

**COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING & ZONING DIVISION**

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# **Board of Zoning Appeals Staff Reports 2021**

**Monday, May 17, 2021  
7:00 P.M.  
City Hall Forum**

## 2021 Board of Zoning Appeals Call to Order: Roll Call

<b>Name</b>	<b>Term Expiration</b>
Mark Brown	03/13/2024
James Burkhardt	03/31/2024
Rhonda Zimmers	01/06/2022
Dori Gaier	05/11/2022
Denise Williams	08/02/2022
Charles Harris	03/26/2022
Matthew Ryan	08/11/2023
<b>Quorum - 4</b>	



**Agenda  
Board of Zoning Appeals  
Springfield, Ohio  
Monday, May 17, 2021  
7:00 P.M.**

**1. Call to Order**

**2. Roll Call**

**3. Approval of April 19, 2021 Meeting Minutes**

ACTION

**4. Swearing In of Witnesses**

ACTION

**5. Case #21-A-20**

DISCUSSION  
& ACTION

Request from Sean Shuttleworth for a variance from 1156.01 to construct a privacy fence in a front yard at 300 Glenmore Dr. in a RS-5, Low-Density, Single-Family Residence District

**6. Case #21-A-21**

DISCUSSION  
& ACTION

Request from Mental Health Services for Clark and Madison Counties, Inc for a variance from Chapter 1150 to allow for building expansion in a front yard setback at 474 N Yellow Springs St. in a CN-2 UPOD , Neighborhood Commercial District

**7. Case #21-A-22**

DISCUSSION  
& ACTION

Request from Fastsigns for a conditional use permit to allow for a multi-color dynamic digital display at 633 N Limestone St. in a CO-1, Commercial Office District

**8. Case #21-A-23**

DISCUSSION  
& ACTION

Request from Fastsigns for a variance from Chapter 1155 to allow for a multi-color dynamic digital display at 633 N Limestone St. in a CO-1, Commercial Office District

**9. Case #21-A-24**

DISCUSSION  
& ACTION

Request from Sandy Bise for a conditional use permit to allow for a commercial recreational sue (martial arts studio) at 105 N Thompson Ave in a CI-1, Intensive Commercial District

**10. Case #21-A-25**

DISCUSSION  
& ACTION

Request from Greg Baca for a variance from Chapter 1101.03 to allow for a fence on a parcel without a principal structure at 2201-2203 & 2209-2211 Larch St. in a CI-1, Intensive Commercial District

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Request from Fastsigns for a conditional use permit to allow for a multi-color dynamic digital display at 633 N Limestone St. in a CO-1, Commercial Office District

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DISCUSSION  
& ACTION

Request from Greg Baca for a variance from Chapter 1101.03 to allow for a fence on a parcel without a principal structure at 2201-2203 & 2209-2211 Larch St. in a CI-1, Intensive Commercial District

**11. Case #21-A-26**

DISCUSSION  
& ACTION

Request from Greg Baca for a variance from Chapter 1153.04 to allow for a new gravel parking lot at 2201-2203 & 2209-2211 Larch St. in a CI-1, Intensive Commercial District

**12. Board Comments**

DISCUSSION

**13. Staff Comments**

DISCUSSION

**14. Adjourn – Next meeting is June 21, 2021**

ACTION

**BOARD OF ZONING APPEALS**

**Springfield, Ohio  
Monday April 19, 2021  
7:00 P.M.  
City Hall Forum**

**Meeting Minutes  
(Summary format)**

Vice-Chairperson Ms. Williams called the meeting to order at 7:37 P.M.

MEMBERS PRESENT: Mr. Charles Harris, Ms. Rhonda Zimmers, Mr. Mathew Ryan and Mr. Brown and Ms. Denise Williams

MEMBERS ABSENT: Ms. Gaier and Mr. Burkhardt

OTHERS PRESENT: Stephen Thompson, Planning, Zoning, and Code Administrator  
Cheyenne Pinkerman, Community Development Specialist.

\* \* \* \* \*

**SUBJECT: Approval March 15, 2021 meeting minutes.**

Ms. Williams asked if the Board had any corrections or additions to add to the minutes.

Hearing none, Ms. Williams asked the Board members to voice yes if they were in favor of approving the minutes. Members voiced yes.

Ms. Williams asked if any opposed to voice nay. Hearing none, Ms. Williams stated the minutes stand approved.

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**Case #21-A-12 Request from Shawn Markley for a conditional use permit for cargo containers at 850 N Belmont Ave. in a C1-1, Intensive Commercial District.**

Ms. Williams stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

The applicant seeks a conditional use permit to allow cargo containers on the property. The property is used for new and used tire sales and service. The containers are on site and are used to store tires. This prevents them from being exposed to the elements and harboring mosquitoes.

**ANALYSIS for Conditional Use:**

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the

facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

(1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

**Staff Comment:** *It would not.*

(2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

**Staff Comment:** *Yes.*

(3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

**Staff Comment:** *Yes.*

(4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

**Staff Comment:** *Yes.*

(5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

**Staff Comment:** *Yes.*

(6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

**Staff Comment:** *It will not.*

(7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this

Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

**Staff Comment:** *Yes, it does.*

**RETURNED REPORTS FROM STAFF:**

Service/Engineering Department:	Recommend approval
Building Inspections:	Recommend approval
Police Division:	Recommend approval
Fire Department:	Recommend approval
City Manager's Office:	Recommend approval

**STAFF RECOMMENDATION:**

Approval of the conditional use permit.

Ms. Williams asked if the board had any questions for Mr. Thompson. Hearing none, Ms. Williams asked if the applicant wished to speak.

Ms. Zimmers asked if there were any complaints.

Mr. Thompson stated there has been no complaints.

Ms. Williams asked if there were any further questions or if anyone else wished to speak. Hearing none, Ms. Williams asked for a motion to close the public hearing.

**MOTION:** Mr. Ryan made a motion to close the public hearing. Seconded by Mr. Harris. Approval by voice vote.

Ms. Williams stated that the public hearing was now closed and asked for a motion to approve Case #21-A-12.

**MOTION:** Motion by Mr. Harris to approve a conditional use permit for cargo containers at 850 N Belmont Ave. in a C1-1, Intensive Commercial District. Seconded by Mr. Ryan.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. There is no opposition.
2. Board has approved this type of variance in the past.

**YEAS:** Mr. Brown, Mr. Ryan, Mr. Harris, and Ms. Williams.

NAYS: None.

Motion approved 4 to 0.

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**Case #21-A-13 Request from Shawn Markley for a variance from Chapter 1135.27 (e) for cargo containers in a front yard setback at 850 N Belmont Ave. in a C1-1, Intensive Commercial District**

Ms. Williams stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

The applicant seeks a variance from Chapter 1135.27 to allow for cargo containers in a front yard setback. The front yard setback in the CI-1 district is 20 feet from the property line.

**ANALYSIS for Variance:**

The Board may grant a variance only where there exists a “practical difficulty” as defined by the courts in Ohio in established case law. The Ohio Supreme Court’s decision in Kisil v. City of Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law governing variances by distinguishing between “use” and “area variances.” Area variances involve an exception from such requirements as yard, lot, and height standards. The Supreme Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

*Staff Comment: Yes.*

2. Whether the variance is substantial;

*Staff Comment: Yes.*

3. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

*Staff Comment: No.*

4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);

*Staff Comment: No.*



5. Whether the property owner purchased the property with the knowledge of the zoning restrictions;

*Staff Comment: No.*

6. Whether the property owner's predicament can be obviated through some method other than a variance; or

*Staff Comment: Yes.*

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

*Staff Comment: Yes.*

**RETURNED REPORTS FROM STAFF:**

Service/Engineering Department: Recommend approval

Building Inspections: Recommend approval

Fire Department: Recommend approval

Police Department: Recommend approval

City Manager's Office: Recommend approval

**STAFF RECOMMENDATION:**

Approval of the variance.

Ms. Williams asked if the board had any questions for Mr. Thompson. Ms. Williams asked if the applicant or applicant's agent wished to speak. Hearing none, Ms. Williams asked for a motion to close the public hearing,

**MOTION:** Mr. Brown made a motion to close the public hearing. Seconded by Ms. Zimmers. Approval by voice vote.

Ms. Williams stated that the public hearing was now closed and asked for a motion to approve Case #21-A-13.

**MOTION:** Motion by Mr. Ryan to approve a variance from Chapter 1135.27 (e) for cargo containers in a front yard setback at 850 N Belmont Ave. in a C1-1, Intensive Commercial District. Seconded by Mr. Brown.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. There is no opposition.
2. Board has approved this type of variance in the past.

**YEAS:** Ms. Zimmers, Mr. Harris, Mr. Brown, Mr. Ryan, and Ms. Williams.

**NAYS:** None

**Motion approved 5 to 0.**

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**Case #21-A-19 Request from Shawn Markley for a variance from Chapter 1135.27 (e) for cargo containers exceeding 7% of the floor area of permanent structures on site at 850 N Belmont Ave. in a C1-1, Intensive Commercial District.**

Ms. Williams stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

The applicant seeks a variance from Chapter 1135.27 to allow for cargo containers that exceed 7% of the floor area of permanent structures on site. There are currently two containers on-site.

**ANALYSIS for Variance:**

The Board may grant a variance only where there exists a “practical difficulty” as defined by the courts in Ohio in established case law. The Ohio Supreme Court’s decision in Kisil v. City of Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law governing variances by distinguishing between “use” and “area variances.” Area variances involve an exception from such requirements as yard, lot, and height standards. The Supreme Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

***Staff Comment: Yes...***

2. Whether the variance is substantial;

***Staff Comment: Yes.***

3. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the

variance;

*Staff Comment: No.*

4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);

*Staff Comment: No.*

5. Whether the property owner purchased the property with the knowledge of the zoning restrictions;

*Staff Comment: No.*

6. Whether the property owner's predicament can be obviated through some method other than a variance; or

*Staff Comment: Yes.*

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

*Staff Comment: Yes.*

**RETURNED REPORTS FROM STAFF:**

Service/Engineering Department: Recommend approval

Building Inspections: Recommend approval

Police Division: Recommend denial

Fire Department: Recommend approval

City Manager's Office: Recommend approval

**STAFF RECOMMENDATION:**

Approval of the variance.

Ms. Williams asked if the board had any questions for Mr. Thompson. Ms. Williams asked if the board had any further questions for the applicant. Hearing none, Ms. Williams asked if there was anyone else that wished to speak. Hearing none, Ms. Williams asked for a motion to close the public hearing,

**MOTION:** Ms. Zimmers made a motion to close the public hearing. Seconded by Mr. Brown. Approval by voice vote.

Ms. Williams stated that the public hearing was now closed and asked for a motion to approve Case #21-A-19.

**MOTION:** Motion by to approve a variance from Chapter 1135.27 (e) for cargo containers exceeding 7% of the floor area of permanent structures on site at 850 N Belmont Ave. in a C1-1, Intensive Commercial District. Seconded by Mr. Harris.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. There is no opposition.
2. The board has approved these in the past.

**YEAS:** Mr. Ryan, Mr. Brown, Mr. Harris, Ms. Zimmers, and Ms. Williams.

**NAYS:** None.

**Motion approved 5 to 0.**

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**Case #21-A-14 Request from Green Environmental Outreach for a conditional use permit for a community center (community garden) on S Plum Street, parcel #3400600004406001 in a RS-8, Medium-Density, Single-Family Residence District.**

Ms. Williams stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

The applicant seeks a conditional use permit to start a community garden.

**ANALYSIS for Conditional Use:**

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

*Staff Comment: It would not.*

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

*Staff Comment: Yes.*

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

*Staff Comment: Yes.*

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

*Staff Comment: Yes.*

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

*Staff Comment: Yes.*

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

*Staff Comment: It will not.*

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

*Staff Comment: Yes, it does.*

**RETURNED REPORTS FROM STAFF:**

Service/Engineering Department: Recommend approval

Building Inspections: Recommend approval

Police Division: Recommend approval

Fire Department: Recommend approval

City Manager's Office: Recommend approval

**STAFF RECOMMENDATION:**

Approval of the conditional use permit.

Ms. Williams asked if the board had any questions for Mr. Thompson. Hearing none, Ms. Williams asked if the applicant wished to speak. Hearing none, Ms. Williams asked if anyone one else wished to speak.

Ms. Patricia Stinnett, 405 Oakwood Place, Springfield, OH.

Ms. Stinnett questioned the amount of properties that were going to be used for the gardens. Ms. Stinnett asked how they would get water and if they would be building a building. Ms. Stinnett explained the business that used to be there was Benjamin Steele. Ms. Stinnett explained there were several feet of concrete underground.

Mr. Thompson explained it was for one parcel on the west side of Plum Street.

Ms. Angela Tyree, 604 Zeller, Springfield, OH.

Ms. Tyree explained the lot was donated to Green Environmental and planned to build a garden for the community to join in and use. Ms. Tyree explained they had hopes for the future to have a community center. Ms. Tyree explained they had hopes for a pocket park in the future as well. Ms. Tyree explained the plan was not set in stone but something community related needed to be done with the space.

Ms. Stinnett explained the lot is dumped on a lot. Ms. Stinnett expressed concerns about where they could plant the gardens because of the concrete. Ms. Stinnett asked where they would be getting water for the gardens.

Ms. Tyree explained they planned to start with water collection barrels and also water collected from the roof of the shed they were getting a variance for. Ms. Tyree explained once the gardens had raised enough money they planned to install water on one of the other properties.

Ms. Stinnett questioned where those lots would be.

Ms. Tyree explained where the lots were and explained there was a garden on one of the lots. Ms. Tyree explained the water and shed would be on that lot.

Ms. Stinnett explained if the property was kept up and it did not affect their property then she was ok with it.

Ms. Tyree explained they have done a lot of clean up since acquiring the property. Ms. Tyree asked if Ms. Stinnett would be interested in talking about the future of the property at a later date.

Ms. Stinnett stated she would be willing to do that.

Mr. Blair Stanley, 378 Ludlow Avenue, Springfield, OH.

Mr. Stanley stated he would be concerned about starting a garden in Springfield due to lead paint. Mr. Blair stated he would be concerned about oil and chemicals as well.

Ms. Tyree explained they worked with the health department and tested the soils in the area they want to have the gardens. Ms. Tyree explained they plan to use raised beds.

Ms. Williams asked if the board had any further questions for the applicant. Hearing none, Ms. Williams asked if there was anyone else that wished to speak. Hearing none, Ms. Williams asked for a motion to close the public hearing.

**MOTION:** Mr. Brown made a motion to close the public hearing. Seconded by Ms. Zimmers. Approval by voice vote.

Ms. Williams stated that the public hearing was now closed and asked for a motion to approve Case #21-A-14.

**MOTION:** Motion by Ms. Zimmers to approve a conditional use permit for a community center (community garden) on S Plum Street, parcel #3400600004406001 in a RS-8, Medium-Density, Single-Family Residence District. Seconded by Mr. Harris.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. There is no opposition.
2. Questions from neighbors were answered.
3. It will benefit the area.

**YEAS:** Mr. Ryan, Mr. Brown, Mr. Harris, Ms. Zimmers, and Ms. Williams.

**NAYS:** None.

**Motion approved 5 to 0.**

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**Case #21-A-15 Request from Green Environmental Outreach for a variance from Chapter 1101.03 for an accessory structure on a lot without a permanent structure on S Plum Street, parcel #3400600004406001 in a RS-8, Medium-Density, Single-Family Residence District.**



Ms. Williams stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

The applicant seeks a variance from Chapter 1101.03 to allow for an accessory structure on a lot without a principal structure. The shed will be used to store tools and other equipment for maintaining the gardens.

### **ANALYSIS for Variance:**

The Board may grant a variance only where there exists a “practical difficulty” as defined by the courts in Ohio in established case law. The Ohio Supreme Court’s decision in Kisil v. City of Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law governing variances by distinguishing between “use” and “area variances.” Area variances involve an exception from such requirements as yard, lot, and height standards. The Supreme Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

*Staff Comment: Yes.*

2. Whether the variance is substantial;

*Staff Comment: Yes.*

3. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

*Staff Comment: No.*

4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);

*Staff Comment: No.*

5. Whether the property owner purchased the property with the knowledge of the zoning restrictions;

*Staff Comment: No.*

6. Whether the property owner's predicament can be obviated through some method other than a variance; or

*Staff Comment: Yes.*

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

*Staff Comment: Yes.*

**RETURNED REPORTS FROM STAFF:**

Service/Engineering Department: Recommend approval

Building Inspections: Recommend approval

Police Division: Recommend approval

Fire Department: Recommend approval

City Manager's Office: Recommend approval

**STAFF RECOMMENDATION:**

Approval of the variance.

Ms. Williams asked if the board had any questions for Mr. Thompson.

Ms. Williams asked if the applicant or the applicant's agent wished to speak. Hearing none, Ms. Williams asked if there was anyone else that wished to speak. Hearing none, Ms. Williams asked for a motion to close the public hearing.

**MOTION:** Mr. Ryan made a motion to close the public hearing. Seconded by Mr. Brown. Approval by voice vote.

Ms. Williams stated that the public hearing was now closed and asked for a motion to approve Case #21-A-15.

**MOTION:** Motion by Ms. Zimmers to approve a variance from Chapter 1101.03 for an accessory structure on a lot without a permanent structure on S Plum Street, parcel #3400600004406001 in a RS-8, Medium-Density, Single-Family Residence District. Seconded by Mr. Ryan.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. There is no opposition.
2. Questions from neighbors were answered.
3. It will benefit the area.

**YEAS:** Mr. Ryan, Mr. Brown, Mr. Harris, Ms. Zimmers, and Ms. Williams.

**NAYS:** None.

**Motion approved 5 to 0.**

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**Case #21-A-16 Request from Speakeasy Ventures for a conditional use permit for a carry out only restaurant at 366 Ludlow Ave. in a CN-2, Neighborhood Commercial District.**

Ms. Williams stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

The applicant seeks a conditional use permit to open a carry-out only restaurant. The parcel was rezoned from RS-8 to CN-2 in 2021. The restaurant will have limited seating for patrons to wait to receive their food. Five off-street parking spaces will be required for this type of restaurant.

**ANALYSIS for Conditional Use:**

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

***Staff Comment:*** *It would not.*

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

***Staff Comment:*** *Yes.*

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

*Staff Comment: Yes.*

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

*Staff Comment: Yes.*

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

*Staff Comment: Yes.*

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

*Staff Comment: It will not.*

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

*Staff Comment: Yes, it does.*

**RETURNED REPORTS FROM STAFF:**

Service/Engineering Department:	Recommend approval
Building Inspections:	Recommend approval
Police Division:	Recommend approval
Fire Department:	Recommend approval
City Manager's Office:	Recommend approval

**STAFF RECOMMENDATION:**

Approval of the conditional use permit.

Ms. Williams asked if the board had any questions for Mr. Thompson.

Ms. Williams asked if there was any opposition.

Mr. Thompson stated he did receive concerns about traffic in the area and some other concerns.

Ms. Williams asked if the owner lived next to the property.

Mr. Thompson explained the owner did not live in the area.

Ms. Zimmers questioned if there was something to compare the size to.

Mr. Thompson stated there was not, this was the first time a restaurant of that size and style had been presented.

Ms. Zimmers asked if there would be restrictions on materials used.

Mr. Thompson stated as long as it meets building code standards, they would be permitted.

Ms. Zimmers asked if the applicant could move forward if the board denies the case.

Mr. Thompson stated the applicant could not move forward if the board denies the request.

Ms. Zimmers stated she was concerned about the amount of traffic and business that would be in the residential area.

Mr. Brown explained the building would not need to be that big for what the applicant is wanting to do. Mr. Brown explained it was not an eat-in restaurant.

Ms. Zimmers questioned what the concerns were from the community.

Mr. Thompson stated the complaints were mostly about parking and traffic. Mr. Thompson stated there were concerns about the speakeasy as well.

Ms. Williams asked if the board had any further questions for Mr. Thompson. Ms. Williams asked if there was anyone that wished to speak.

Mr. Michael Turner, 3019 Hillsdale Rd. Springfield, OH.

Mr. Turner explained he had concerns about parking. Mr. Turner explained he was a silent partner of Nifty Fifty's bar. Mr. Turner explained there were parking issues back when he owned them. Mr. Turner explained he owned several properties around the area and he had major concerns, as well as all the neighbors in the area. Mr. Turner explained the parking issues needed to be figured

out before adding another business. Mr. Turner explained he was also concerned because he owns property in the area.

Mr. Lonnie Cole Jr. 361 Linwood, Springfield, OH.

Mr. Cole explained he was there to speak on behalf of friends, family and himself and to contest the building. Mr. Cole explained he worked hard to buy his house and is close to paying off. Mr. Cole explained that the vacant lot across the street had been used for parking and cutting wood. The sound and mess had been unbearable. Mr. Cole explained the traffic has put his family at risk, his kids can no longer play outside his yard. Mr. Cole explained the existing restaurant does not have parking as it is, adding another restaurant would make it even worse and makes no sense. Mr. Cole suggested taking the business to a business district and out of the neighborhood.

Lisa Francisco Esteban, 1712 Lexington, Springfield, OH.

Ms. Esteban explained the parking is awful in the area. Ms. Esteban stated she agreed with Mr. Cole and stated the business was not a good idea.

Mr. Blair Stanley 378 Ludlow Avenue, Springfield, OH.

Mr. Stanley explained they planned to put a smoke house in the restaurant. Mr. Stanley explained the amount of smoke and logs will be bad. Mr. Stanley explained the employees start working around five in the morning. Mr. Stanley agreed there was a traffic/parking issue. Mr. Stanley stated the Speakeasy Ramen was really good but they did not need to build another restaurant. Mr. Stanley explained he was worried about animals being attracted to the smell from the trash cans. Mr. Stanley suggested finding a vacant building somewhere.

Ms. Williams asked if there was anyone else that wished to speak. Hearing none, Ms. Williams asked for a motion to close the public hearing.

**MOTION:** Ms. Zimmers made a motion to close the public hearing. Seconded by Mr. Harris. Approval by voice vote.

Ms. Williams stated that the public hearing was now closed and asked for a motion to approve Case #21-A-16.

**MOTION:** Motion by Mr. Ryan to approve a conditional use permit for a carry out only restaurant at 366 Ludlow Ave. in a CN-2, Neighborhood Commercial District. Seconded by Ms. Zimmers.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. There is opposition from neighbors.
2. There is concern about parking and traffic issues.
3. There are concerns about the smoke related to a smoke house.

**YEAS:** None.

**NAYS:** Mr. Ryan, Mr. Brown, Mr. Harris, Ms. Zimmers, and Ms. Williams

**Motion disapproved 5 to 0.**

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**Case #21-A-17 Request from Daniel Persinger for a conditional use permit for a community center (community garden) at 406-414 Sherman Ave. in a RS-8, Medium-Density, Single-Family Residence District.**

Ms. Williams stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

The applicant seeks a conditional use permit to start a community garden.

**ANALYSIS for Conditional Use:**

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

***Staff Comment:*** *It would not.*

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

***Staff Comment:*** *Yes.*

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

***Staff Comment:*** *Yes.*

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use



will not change the essential character of the same area;

*Staff Comment: Yes.*

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

*Staff Comment: Yes.*

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

*Staff Comment: It will not.*

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

*Staff Comment: Yes, it does.*

**RETURNED REPORTS FROM STAFF:**

Service/Engineering Department:	Recommend approval
Building Inspections:	Recommend approval
Police Division:	Recommend approval
Fire Department:	Recommend approval
City Manager's Office:	Recommend approval

**STAFF RECOMMENDATION:**

Approval of the conditional use permit.

Ms. Williams asked if the board had any questions for Mr. Thompson.

Ms. Zimmers asked if there was any opposition.

Mr. Thompson stated there were none.

Ms. Williams asked if the board had any questions for the applicant. Hearing none, Ms. Williams asked if there was anyone else that wished to speak. Hearing none, Ms. Williams asked for a motion to close the public hearing.

**MOTION:** Ms. Zimmers made a motion to close the public hearing. Seconded by Mr. Harris. Approval by voice vote.

Ms. Williams stated that the public hearing was now closed and asked for a motion to approve Case #21-A-17.

**MOTION:** Motion by Mr. Brown to approve a conditional use permit for a community center (community garden) at 406-414 Sherman Ave. in a RS-8, Medium-Density, Single-Family Residence District. Seconded by Ms. Zimmers. Hearing no further discussion or questions, the Board determined the following findings of facts:

1. There is no opposition.
2. It will benefit the neighborhood.
3. It is a good use for the property.

**YEAS:** Mr. Ryan, Mr. Brown, Mr. Harris, Ms. Zimmers, and Ms. Williams.

**NAYS:** None.

**Motion approved 5 to 0.**

---

**Case #21-A-18 Request from Daniel Persinger for a variance from Chapter 1101.03 for an accessory structure on a lot without a permanent structure at 406-414 Sherman Ave. in a RS-8, Medium-Density, Single-Family Residence District.**

Ms. Williams stated that the public hearing was now open and asked for Mr. Thompson to read the staff report.

The applicant seeks a conditional use permit to start a community garden.

**ANALYSIS for Conditional Use:**

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding

neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

*Staff Comment: It would not.*

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

*Staff Comment: Yes.*

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

*Staff Comment: Yes.*

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

*Staff Comment: Yes.*

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

*Staff Comment: Yes.*

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

*Staff Comment: It will not.*

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

*Staff Comment: Yes, it does.*

**RETURNED REPORTS FROM STAFF:**

Service/Engineering Department: Recommend approval  
Building Inspections: Recommend approval  
Police Division: Recommend approval  
Fire Department: Recommend approval  
City Manager's Office: Recommend approval

**STAFF RECOMMENDATION:**

Approval of the conditional use permit.

Ms. Williams asked if the board had any questions for Mr. Thompson. Hearing none, Ms. Williams asked if there was anyone else that wished to speak. Hearing none, Ms. Williams asked for a motion to close the public hearing.

**MOTION:** Mr. Ryan made a motion to close the public hearing. Seconded by Ms. Zimmers. Approval by voice vote.

Ms. Williams stated that the public hearing was now closed and asked for a motion to approve Case #21-A-18.

**MOTION:** Motion by Ms. Zimmers to approve a variance from Chapter 1101.03 for an accessory structure on a lot without a permanent structure at 406-414 Sherman Ave. in a RS-8, Medium-Density, Single-Family Residence District. Seconded by Mr. Brown.

Hearing no further discussion or questions, the Board determined the following findings of facts:

1. There is no opposition.
2. It will benefit the neighborhood.
3. It is a good use for the property.

**YEAS:** Mr. Ryan, Mr. Brown, Mr. Harris, Ms. Zimmers, and Ms. Williams.

**NAYS:** None.

**Motion approved 5 to 0.**

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**Board Comments:** None.

**Staff Comments:** None.

**Subject:** Adjournment

Ms. Zimmers made a motion to adjourn the meeting. Seconded by Mr. Harris.

Ms. Gaier adjourned the meeting at 8:47 p.m.

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Ms. Dori Gaier, Chairperson

Ms. Denise Williams, Vice-Chairperson

# **Agenda Item # 5**

**Case #21-A-20**

**Variance**

## STAFF REPORT

TO: Board of Zoning Appeals

DATE: May 12, 2021

PREPARED BY: Stephen Thompson

SUBJECT: Case #21-A-20

### **GENERAL INFORMATION:**

Applicant: Sean Shuttleworth, 300 Glenmore Dr., Springfield, OH 45503

Owner: Sean Shuttleworth, 300 Glenmore Dr., Springfield, OH 45503

Purpose: For a variance from Chapter 1156.01 to allow for a privacy fence in a front yard

Location: 300 Glenmore Drive

Size: 0.13 acre

Existing Land Use and Zoning: Residential, zoned RS-5

Surrounding Land Use and Zoning: North: Residential, RS-5  
East: Residential, RS-5  
South: Residential, RS-5  
West: Residential, RS-5

Applicable Regulations: Chapter 1172.05 Board of Zoning Appeals: Conditional Uses  
Chapter 1156.01 Fence & Hedge Requirements

File Date: April 5, 2021

### **BACKGROUND:**

The applicant seeks a variance to construct a privacy fence in a front yard. It will be a six foot tall Cedar fence. The property is on a corner, with front yards along multiple streets. The setback requirement for privacy fences over 2.5 feet tall in a front yard is 25 feet.

### **ANALYSIS for Variance:**

The Board may grant a variance only where there exists a “practical difficulty” as defined by the courts in Ohio in established case law. The Ohio Supreme Court’s decision in Kisil v. City of Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law



governing variances by distinguishing between “use” and “area variances.” Area variances involve an exception from such requirements as yard, lot, and height standards. The Supreme Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

*Staff Comment: Yes.*

2. Whether the variance is substantial;

*Staff Comment: No. It's a corner lot, so the other front yard will be open.*

3. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

*Staff Comment: No.*

4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);

*Staff Comment: No.*

5. Whether the property owner purchased the property with the knowledge of the zoning restrictions;

*Staff Comment: Yes.*

6. Whether the property owner's predicament can be obviated through some method other than a variance; or

*Staff Comment: No.*

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

*Staff Comment: Yes.*

#### **RETURNED REPORTS FROM STAFF:**

Service/Engineering Department: Recommend approval

Building Inspections: Recommend approval

Police Division: Recommend approval

Fire Department: Recommend approval

City Manager's Office: Recommend approval

**STAFF RECOMMENDATION:**

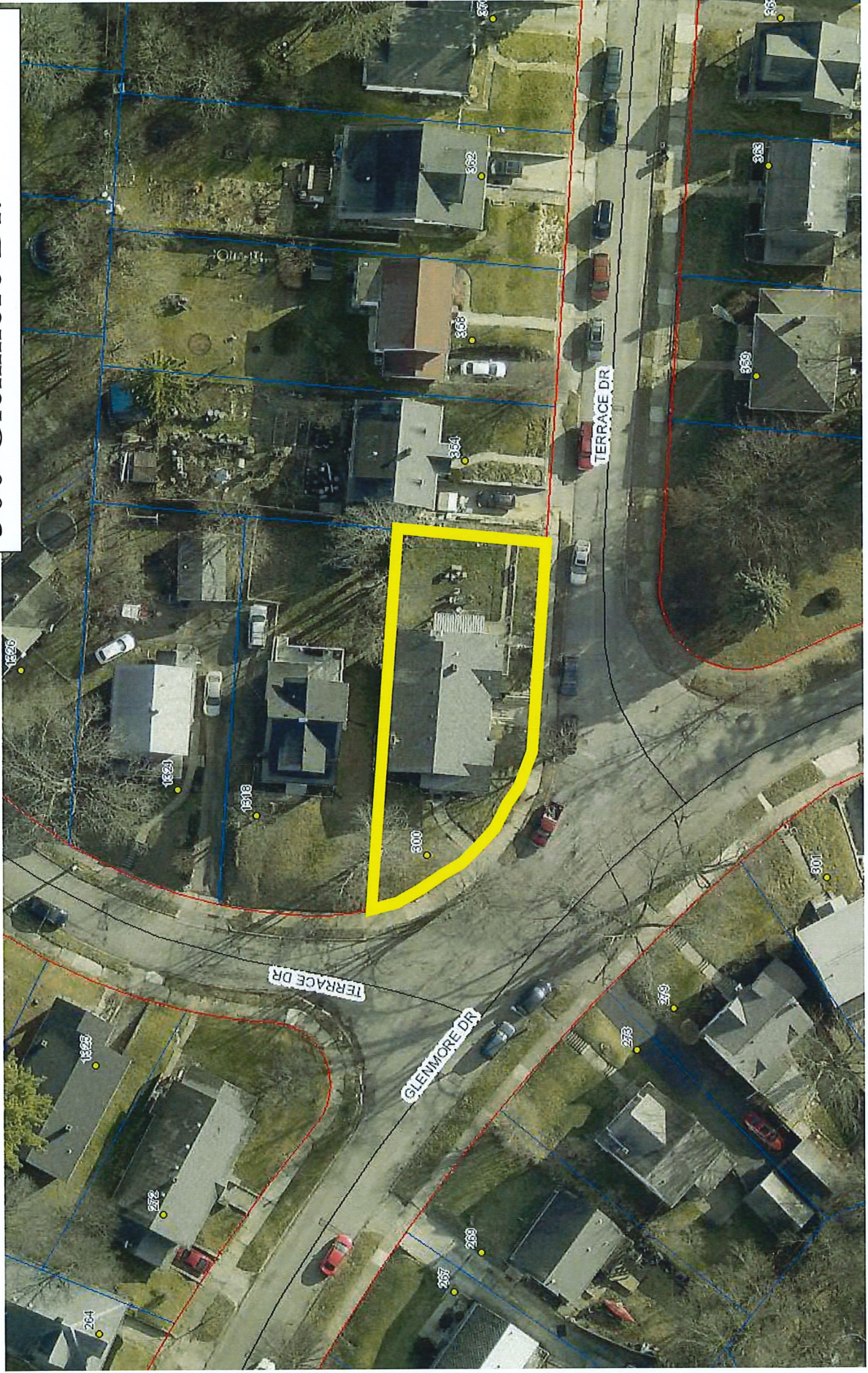
Approval of the variance.

**ATTACHMENTS:**

1. Vicinity and zoning map
2. Application



#21-A-20  
300 Glenmore Dr.





#21-A-20  
300 Glenmore Dr.









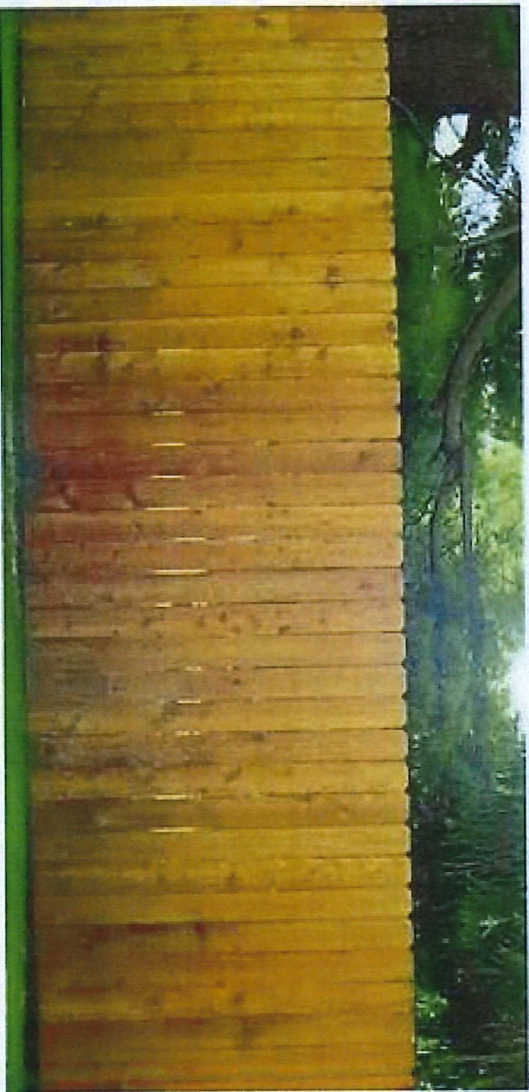


15 ft  
18 ft  
14 ft

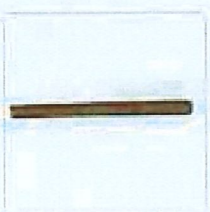
6 ft dog ear privacy fence.



19/32 in. x 5-1/2 in. x 6  
ft. Cedar Dog-Ear Fence  
Picket  
by Unbranded



Product Images



**FOR OFFICE USE ONLY**

Case #: 21-4-20  
Date Received: 4/5/21  
Received by: ST  
Application Fee: \$57  
Review Type:  
☐ Admin ☐ CPB ☒ BZA

**GENERAL APPLICATION****A. PROJECT**

1. Application Type & Project Description (*attach additional information, if necessary*):

variance for fence.

2. Address of Subject Property: 300 Glenmore Dr.

3. Parcel ID Number(s): 3400700036420010

4. Full legal description attached? ☐ yes ☒ no

5. Size of subject property: 52 x 115

6. Current Use of Property: residential

7. Current Zoning of Property: RS-5

**B. APPLICANT**

1. Applicant's Status (*attach proof of ownership or agent authorization*) ☐ Owner

☐ Agent (*agent authorization required*) ☒ Tenant (*agent authorization required*)

2. Name of Applicant(s) or Contact Person(s): Sean Shuttleworth

Title: LC owner

Company (if applicable): \_\_\_\_\_

Mailing address: 300 Glenmore Dr.

City: Springfield State: OH ZIP: 45503

Telephone: (937) 520-0903 Fax: ( ) \_\_\_\_\_

Email Sgshuttleworth@gmail.com



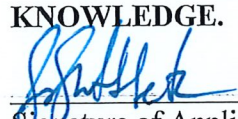
3. If the applicant is agent for the property owner:

Name of Owner (title holder): \_\_\_\_\_

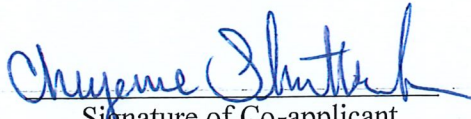
Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

**I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION  
CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR  
KNOWLEDGE.**



Signature of Applicant



Signature of Co-applicant

Sean Shuttleworth

Typed or printed name and title of applicant

Cheyenne Shuttleworth

Typed or printed name of co-applicant

State of Ohio

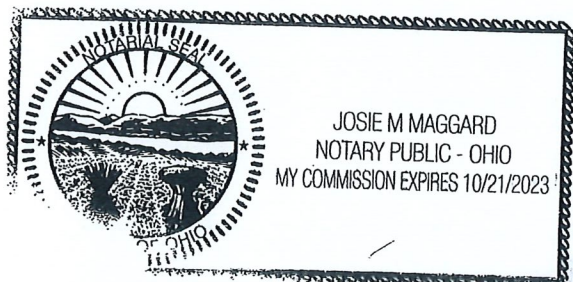
County of Clark

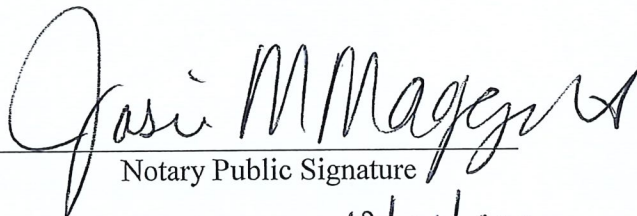
The foregoing instrument was acknowledged before me this 1<sup>st</sup> day of

April, 2026

by Josie Maggard (name of person acknowledged).

(seal)





Notary Public Signature

My commission expires: 10/21/2023



CITY OF SPRINGFIELD  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING & ZONING DIVISION

BOARD OF ZONING APPEALS - VARIANCE APPLICATION

Date: 4/11/2021

Property address: 300 Glenmore Dr.

Section of the Zoning code applicable: \_\_\_\_\_

Purpose of this request, including the improvements or physical changes proposed if this application is approved:

constructing a fence

Please include the following exhibits:

**Exhibit A**

A scale drawing with the dimensions of the property including existing and proposed buildings and their distances from lot lines, parking spaces, and adjoining streets and alleys. Please see example site plan. Additional copies may be required as needed.

**Basis for the requested action:** Substantiate the reasons why you feel the Board of Zoning Appeals should grant your request. Be specific (attach additional pages if necessary).

Our property sits on a corner lot on a hill. When we sit back there to relax, we have no privacy. We also have a dog and feel it would be more-secure. We mostly want the fence for privacy reasons.



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An appeal for a variance to the Zoning Code cannot be granted by the Board of Zoning Appeals unless the following factors are shown to exist. Therefore, for each factor explain in detail how each applies to your appeal: (Please write on additional sheets of paper if you need more space).

1. The property in question cannot yield a reasonable return and there can be no beneficial use of the property without the variance. The variance would relieve a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience to the appellant.

yes

2. The variance is not substantial, i.e. the modification in the requirement that is being requested is not a significant amount in comparison to the requirement.

NO

3. The essential character of the neighborhood, i.e. adjacent properties, will not be substantially altered or suffer a substantial detriment as a result of the variance.

NO

4. The variance will not adversely affect the delivery of governmental services such as water, sewer.

NO

5. The property owner was not aware of the zoning restrictions when purchasing the property.

yes

6. There is no other feasible method of solving the property owner's predicament.

No

7. The spirit and intent behind the zoning requirement will be observed and substantial justice done by granting the variance.

Yes

**I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR KNOWLEDGE.**

*[Signature]*

Signature of Applicant

*[Signature]*

Signature of Co-applicant

Sean Shuttleworth

Typed or printed name and title of applicant

Cheyenne Shuttleworth

Typed or printed name of co-applicant

State of Ohio

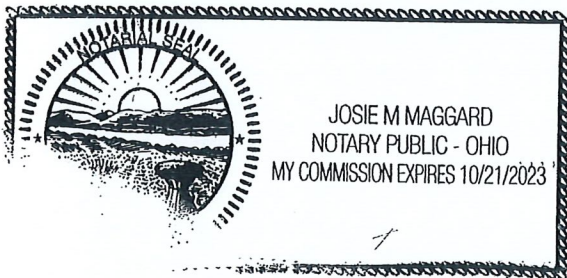
County of

Clark

The foregoing instrument was acknowledged before me this 1<sup>st</sup> day of April, 2023

by Josie Maggard (name of person acknowledged).

(seal)



*[Signature]*

Notary Public Signature

My commission expires: 10/21/2023





Planning & Zoning

**CITY OF SPRINGFIELD**  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING & ZONING DIVISION

PROPERTY OWNER AFFIDAVIT (IF NECESSARY)

Address: 300 Glenmore Drive. Springfield, OH 45503  
Parcel No.: 3400700036420010  
Acreage: 0.137

Agent Name: Sean Shuttleworth & Cheyenne Shuttleworth  
Agent Tax Mailing Address: 300 Glenmore Drive  
Springfield, OH 45503  
Agent Phone Number: 937-520-0903  
937-654-7318

Owner Name: Shelby L. Dunn  
Owner Tax Mailing Address: 3495 Moorefield Rd  
Springfield, OH 45502  
Owner Phone Number: 937-408-1310

Requested Action (to be conducted by Agent, authorized by owner): applying for a variance to construct a privacy fence on a corner lot.

I hereby certify that:

I am the property owner of record. I authorize the above listed agent to act on my behalf for the purposes of this application.

Property owner  
signature:

Printed name: SHELBY DUNN

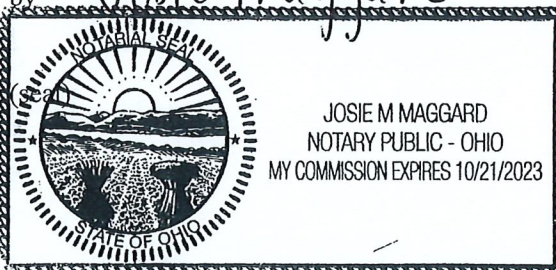
Date: 4/1/21

State of Ohio

County of Clark

The foregoing instrument was acknowledged before me this 1<sup>st</sup> day of April, 2023

by Josie Maggard (name of person acknowledged).



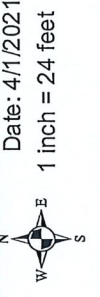
Notary Public Signature

My commission expires: 10/21/2023



e

6 ft dog ear privacy fence.



44 ft

48 ft

5 ft


Clark County GIS



Hover Image to Zoom

 Live Chat

 Feedback

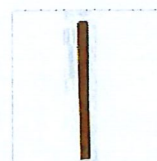
Close 

19/32 in. x 5-1/2 in. x 6  
ft. Cedar Dog-Ear Fence  
Picket

by **Unbranded**



Product Images



DISTANCE	Owner1	AddressLocationLine2	ADDRESSUNI
7.459878804	DUNN SHELBY L	300 GLENMORE DR	SPRINGFIELD, OH 4550
45.62900714	O NEILL BRIEN	1318 TERRACE DR	SPRINGFIELD, OH 4550
96.04888165	INBODEN ROBIN L	354 TERRACE DR	SPRINGFIELD, OH 4550
97.76475375	SARCHETT BARRY & LISA B HUGHES	1324 TERRACE DR	SPRINGFIELD, OH 4550
139.1235576	NAVE CHYRL A	358 TERRACE DR	SPRINGFIELD, OH 4550
142.0567352	COFFEY DUSTIN	GLENMORE DR	SPRINGFIELD, OH 4550
157.0839275	WARDER TERRACE LLC	1326 TERRACE DR	SPRINGFIELD, OH 4550
162.49779	GEITGEY JAMES O & GAYLE ANN	279 GLENMORE DR	SPRINGFIELD, OH 4550
171.4772779	MAIOLO JULIA S	273 GLENMORE DR	SPRINGFIELD, OH 4550
174.3924788	WILLIAMS RICHARD E JR	301 GLENMORE DR	SPRINGFIELD, OH 4550
179.211064	COFFEY DUSTIN	359 TERRACE DR	SPRINGFIELD, OH 4550
180.9214151	AUSTIN SAMANTHA & BRODERICK	272 GLENMORE DR	SPRINGFIELD, OH 4550
184.1350821	SHEERSCHMIDT DIANE L	362 TERRACE DR	SPRINGFIELD, OH 4550
193.559545	CHANNELL HOWARD D & BETTY A	1325 TERRACE DR	SPRINGFIELD, OH 4550
197.179636	ALTHOUSE MICHAEL A	269 GLENMORE DR	SPRINGFIELD, OH 4550
199.0840481	JACKSON KARA J	1239 GLENMORE DR	SPRINGFIELD, OH 4550
212.5559622	DUNHAM BENJAMIN & DAGNY	1331 TERRACE DR	SPRINGFIELD, OH 4550



DUNHAM BENJAMIN & DAGNY  
1331 TERRACE DR  
SPRINGFIELD, OH 45503

# **Agenda Item # 6**

**Case #21-A-21**

**Variance**

## **STAFF REPORT**

TO: Board of Zoning Appeals

DATE: May 12, 2021

PREPARED BY: Stephen Thompson

SUBJECT: Case #21-A-21

### **GENERAL INFORMATION:**

Applicant: Mental Health Services for Clark and Madison Counties, Inc, 474 N Yellow Springs St., Springfield, OH 45504

Owner: Mental Health Services for Clark and Madison Counties, Inc, 1345 N Fountain Ave., Springfield, OH 45504

Purpose: For a variance from Chapter 1150.01 to allow for building expansion in a front yard setback

Location: 474 N Yellow Springs Street

Size: 2.7 acres

Existing Land Use and Zoning: Medical Office, zoned CN-2 UPOD

Surrounding Land Use and Zoning: North: Commercial, CN-2 UPOD  
East: Hospital, DMC UPOD  
South: Hospital, DMC UPOD  
West: Residential, RS-8 UPOD

Applicable Regulations: Chapter 1172.05 Board of Zoning Appeals: Conditional Uses  
Chapter 1150.01 General Requirements

File Date: April 27, 2021

### **BACKGROUND:**

The applicant seeks a variance to construct a building addition in a front yard setback. The expansion will be to allow for additional services for school aged children. The front yard setback requirement for the CN-2 district is 20 feet. The addition will not be closer than seven feet to the property line.

### **ANALYSIS for Variance:**

The Board may grant a variance only where there exists a “practical difficulty” as defined by the courts in Ohio in established case law. The Ohio Supreme Court’s decision in Kisil v. City of

Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law governing variances by distinguishing between “use” and “area variances.” Area variances involve an exception from such requirements as yard, lot, and height standards. The Supreme Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

*Staff Comment: No. The site has limited potential for other expansion.*

2. Whether the variance is substantial;

*Staff Comment: Yes.*

3. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

*Staff Comment: No.*

4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);

*Staff Comment: No.*

5. Whether the property owner purchased the property with the knowledge of the zoning restrictions;

*Staff Comment: No.*

6. Whether the property owner’s predicament can be obviated through some method other than a variance; or

*Staff Comment: No.*

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

*Staff Comment: Yes.*

#### **RETURNED REPORTS FROM STAFF:**

Service/Engineering Department: Recommend approval

Building Inspections: Recommend approval

Police Division: Recommend approval

Fire Department: Recommend approval

City Manager's Office: Recommend approval

**STAFF RECOMMENDATION:**

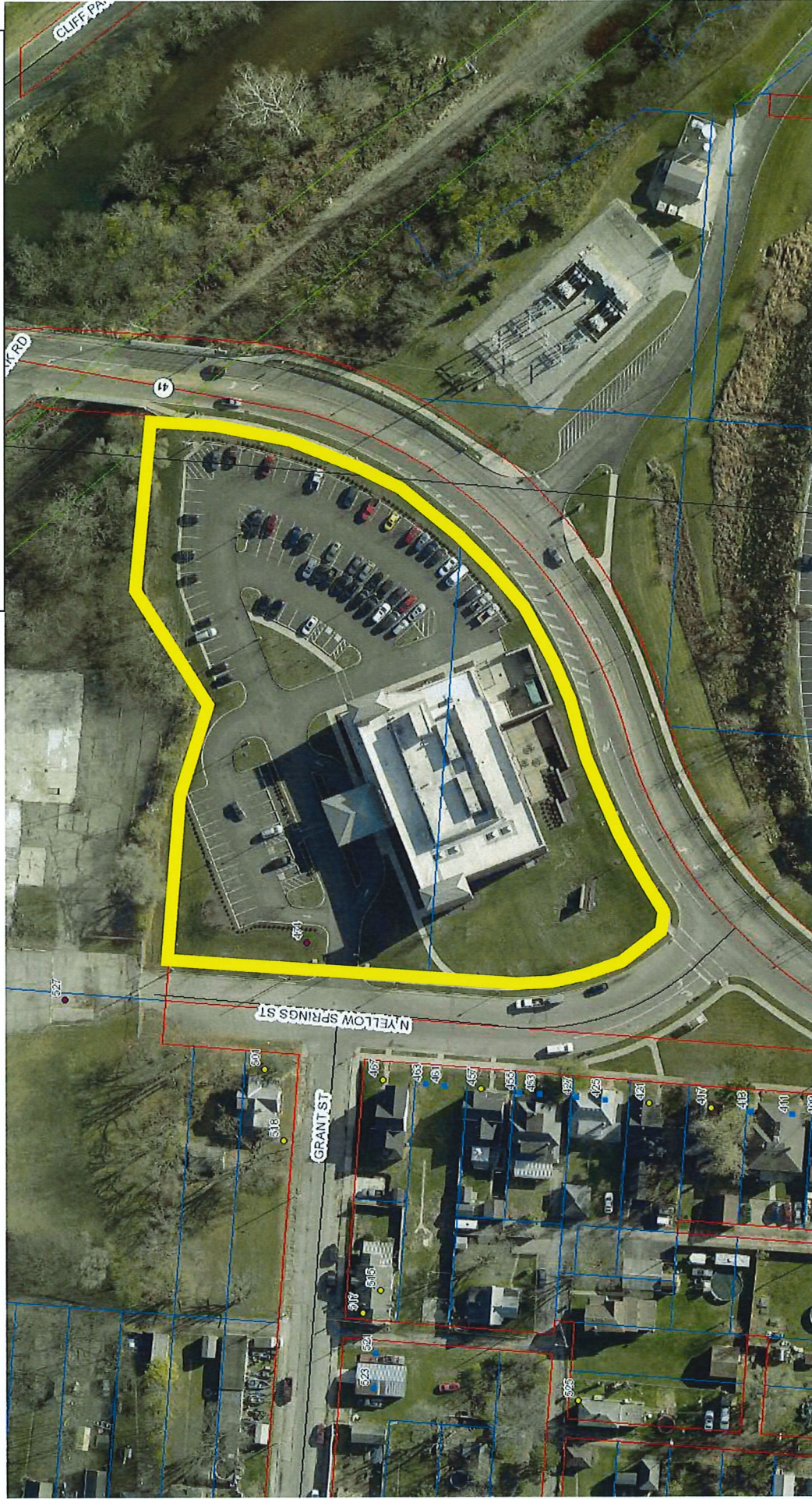
Approval of the variance.

**ATTACHMENTS:**

1. Vicinity and zoning map
2. Application



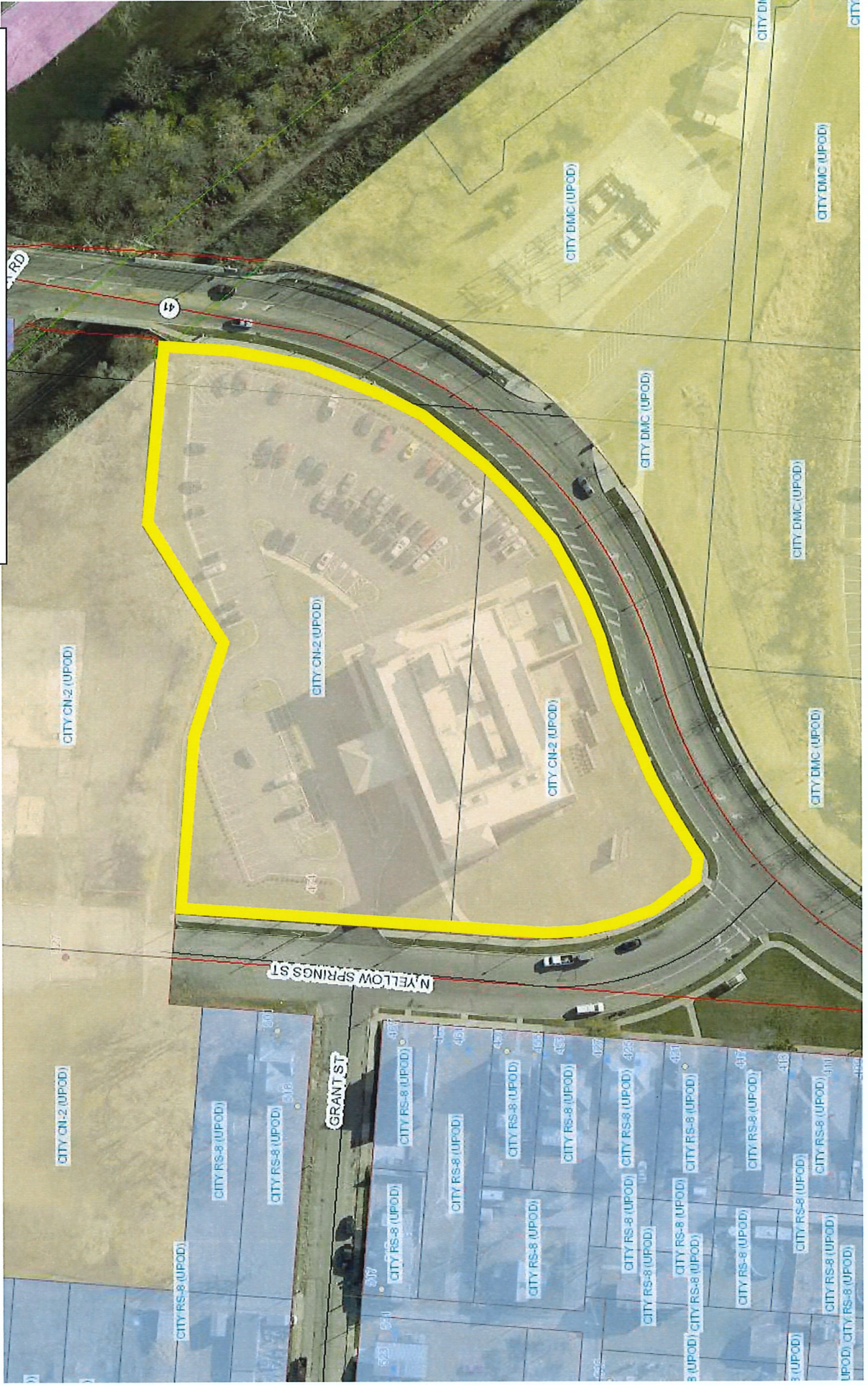
#21-A-21  
474 N Yellow Springs St.





#21-A-21

474 N Yellow Springs St.



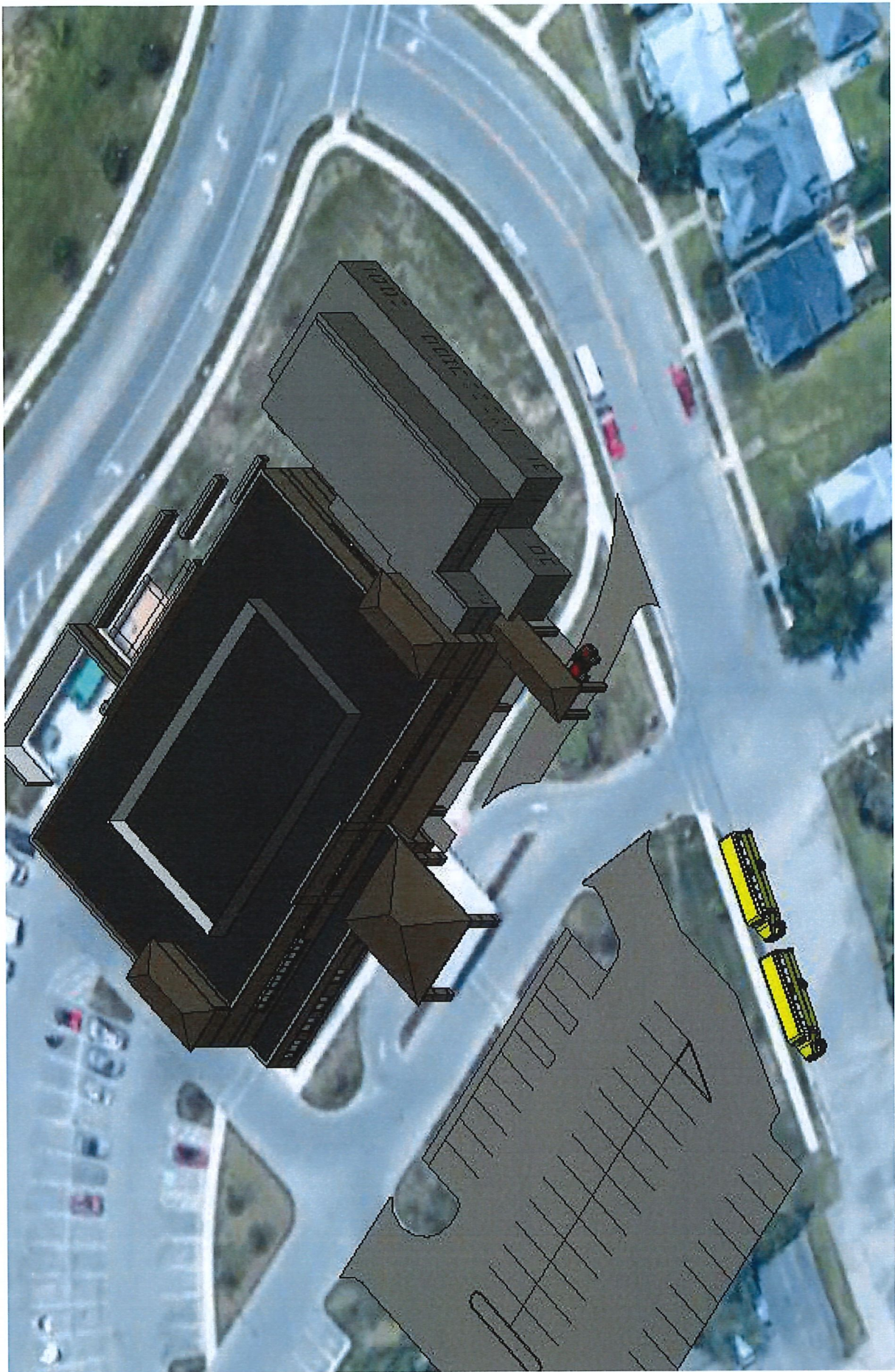














**FOR OFFICE USE ONLY**

Case #: 21-4-21  
Date Received: 4/16/21  
Received by: 5  
Application Fee: \$ 285  
Review Type:  
☐ Admin ☐ CPB ☒ BZA

**GENERAL APPLICATION****A. PROJECT**

1. Application Type & Project Description (*attach additional information, if necessary*):

Request variance on 20'-0" setback at 474 N Yellow Springs Street

2. Address of Subject Property: 474 N Yellow Springs Street

3. Parcel ID Number(s): 3400600005414030 and 3400600005414031

4. Full legal description attached? ☐ yes ☒ no

5. Size of subject property: 2.7 acres

6. Current Use of Property: Community Mental Health Center

7. Current Zoning of Property: CN2

**B. APPLICANT**

1. Applicant's Status (*attach proof of ownership or agent authorization*) ☒ Owner

☐ Agent (*agent authorization required*) ☐ Tenant (*agent authorization required*)

2. Name of Applicant(s) or Contact Person(s): Kelly Rigger, LISW, LICDC, MBA

Title: CEO

Company (if applicable): Mental Health Services for Clark and Madison Counties, Inc.

Mailing address:  
474 N Yellow Springs Street

City: Springfield State: Ohio ZIP: 45504

Telephone: ( ) 937-399-9500 Fax: ( ) 937-342-4242

Email  
kelly.rigger@mhscc.org

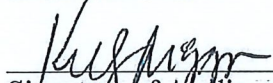
3. If the applicant is agent for the property owner:

Name of Owner (title holder): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

**I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION  
CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR  
KNOWLEDGE.**

  
\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Co-applicant

Kelly Rigger, LISW, LICDC, MBA, CEO  
Typed or printed name and title of applicant

\_\_\_\_\_  
Typed or printed name of co-applicant

State of Ohio

County of \_\_\_\_\_

The foregoing instrument is hereby acknowledged before me this 21 day of April, 2023

by Kelly Rigger (name of person acknowledged).

(seal)



Clark  
NICOLE S. NICKELL, Notary Public

In and for the State of Ohio

My Commission Expires Jan 15, 2024

  
\_\_\_\_\_  
Notary Public Signature

My commission expires: 1/15/2024





CITY OF SPRINGFIELD  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING & ZONING DIVISION

BOARD OF ZONING APPEALS - VARIANCE APPLICATION

Date: 4/21/2024

Property address: 474 N. Yellow Spring Street

Section of the Zoning code applicable: CN-2

Purpose of this request, including the improvements or physical changes proposed if this application is approved:

Allow a variance to encroach on the 20'-0" setback from the right of way off N. Yellow Spring Street  
for a new MHS Building Addition

Please include the following exhibits:

**Exhibit A**

A scale drawing with the dimensions of the property including existing and proposed buildings and their distances from lot lines, parking spaces, and adjoining streets and alleys. Please see example site plan. Additional copies may be required as needed.

**Basis for the requested action:** Substantiate the reasons why you feel the Board of Zoning Appeals should grant your request. Be specific (attach additional pages if necessary).

The addition to the existing facility will be designed to beautify the neighborhood and also allow  
additional services for school aged children needed for the surrounding areas. The additional area required  
would not inhibit any governmental services or cause any burden on the neighborhood. The West side  
of the existing building was selected for the addition because the site will not allow an addition to be  
added to the north because of the existing entry, to the south because of the proximate to N. Plum  
Street or the East because of the existing parking and storm detention system under ground.

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An appeal for a variance to the Zoning Code cannot be granted by the Board of Zoning Appeals unless the following factors are shown to exist. Therefore, for each factor explain in detail how each applies to your appeal: (Please write on additional sheets of paper if you need more space).

1. The property in question cannot yield a reasonable return and there can be no beneficial use of the property without the variance. The variance would relieve a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience to the appellant.

The support areas and therapist reside on the west side of the facility where the addition can only be built. The location is key for accessibility within the facility for both structures. The building size and shape is critical for the programs required.

2. The variance is not substantial, i.e. the modification in the requirement that is being requested is not a significant amount in comparison to the requirement.

The right of way is located on the owners side of the sidewalk and the addition would be approximately 7' to 8' beyond that which won't affect utilities or traffic.

3. The essential character of the neighborhood, i.e. adjacent properties, will not be substantially altered or suffer a substantial detriment as a result of the variance.

The addition will not substantially alter or suffer any detriment to the surrounding properties.

4. The variance will not adversely affect the delivery of governmental services such as water, sewer.

All governmental service are in the street and the addition will not affect them in anyway.

5. The property owner was not aware of the zoning restrictions when purchasing the property.

The understanding is the owner was not properly informed of the limitations of a setback at the time.

6. There is no other feasible method of solving the property owner's predicament.

Other design solutions have been reviewed. The variance is required for the program and the proximity of support services within the existing budding.

7. The spirit and intent behind the zoning requirement will be observed and substantial justice done by granting the variance.

The spirit and intent of the variance is for the benefit of the neighborhood and the well being of the children it will serve.

**I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR KNOWLEDGE.**

Kelly Rigger  
Signature of Applicant

\_\_\_\_\_  
Signature of Co-applicant

Kelly Rigger, CED  
Typed or printed name and title of applicant

\_\_\_\_\_  
Typed or printed name of co-applicant

State of Ohio

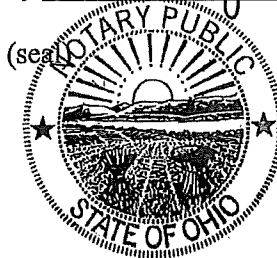
County of

Clark

The foregoing instrument was acknowledged before me this 21 day of

April, 2021

by Kelly Rigger (name of person acknowledged).



NICOLE S. NICKELL, Notary Public  
In and for the State of Ohio  
My Commission Expires Jan 15, 2024

Nicole S. Nickell

Notary Public Signature

My commission expires: 1/15/2024



Planning & Zoning

CITY OF SPRINGFIELD  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING & ZONING DIVISION

PROPERTY OWNER AFFIDAVIT (IF NECESSARY)

Address: 474 N Yellow Springs Street Springfield Ohio 45504  
Parcel No.: 3400600005414030 and 3400600005414031  
Acreage: total 2.7 acres

Agent Name: \_\_\_\_\_  
Agent Tax Mailing Address: \_\_\_\_\_

Agent Phone Number: \_\_\_\_\_

Owner Name: Mental Health Services for Clark and Madison Cos, Inc.  
Owner Tax Mailing Address: 474 N Yellow Springs Street Springfield Ohio 45504

Owner Phone Number: 937 399 9500

Requested Action Allow variance for 20'-0" setback from right of way off N Yellow Spgs  
(to be conducted by Street for new addition to our MHS Building  
Agent, authorized by  
owner): \_\_\_\_\_

I hereby certify that:

I am the property owner of record. I authorize the above listed agent to act on my behalf for the purposes of this application.

Property owner  
signature: Kelly Rigger

Printed name: Kelly Rigger

Date: 4-21-21

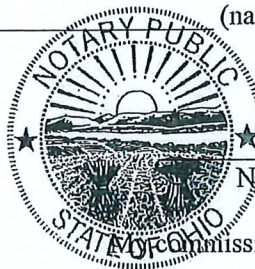
State of Ohio

County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this 21 day of April, 2021

by Kelly Rigger (name of person acknowledged).

(seal)

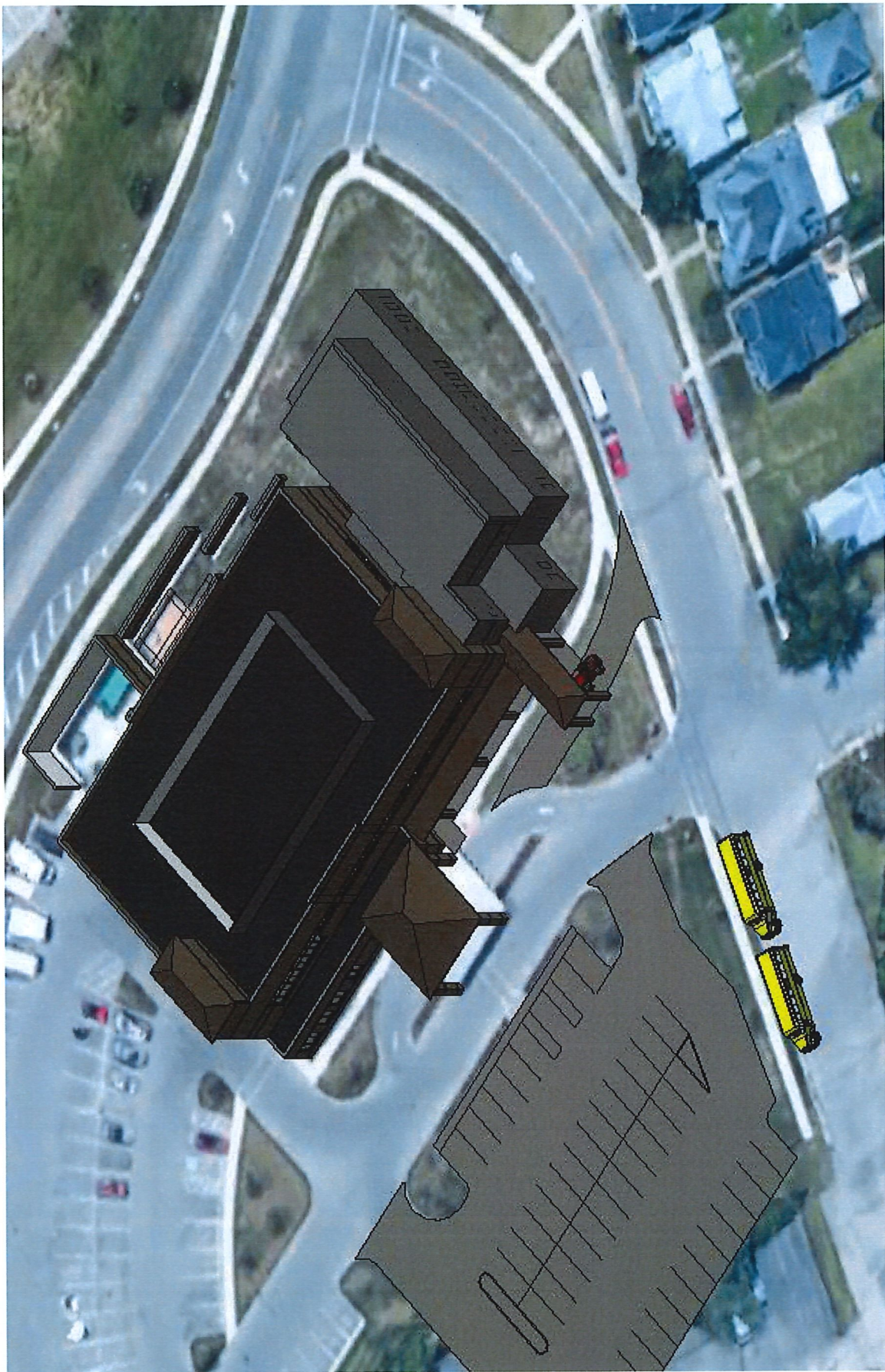


NICOLE S NICKELL, Notary Public  
In and for the State of Ohio  
My Commission Expires Jan 15, 2024  
Notary Public Signature

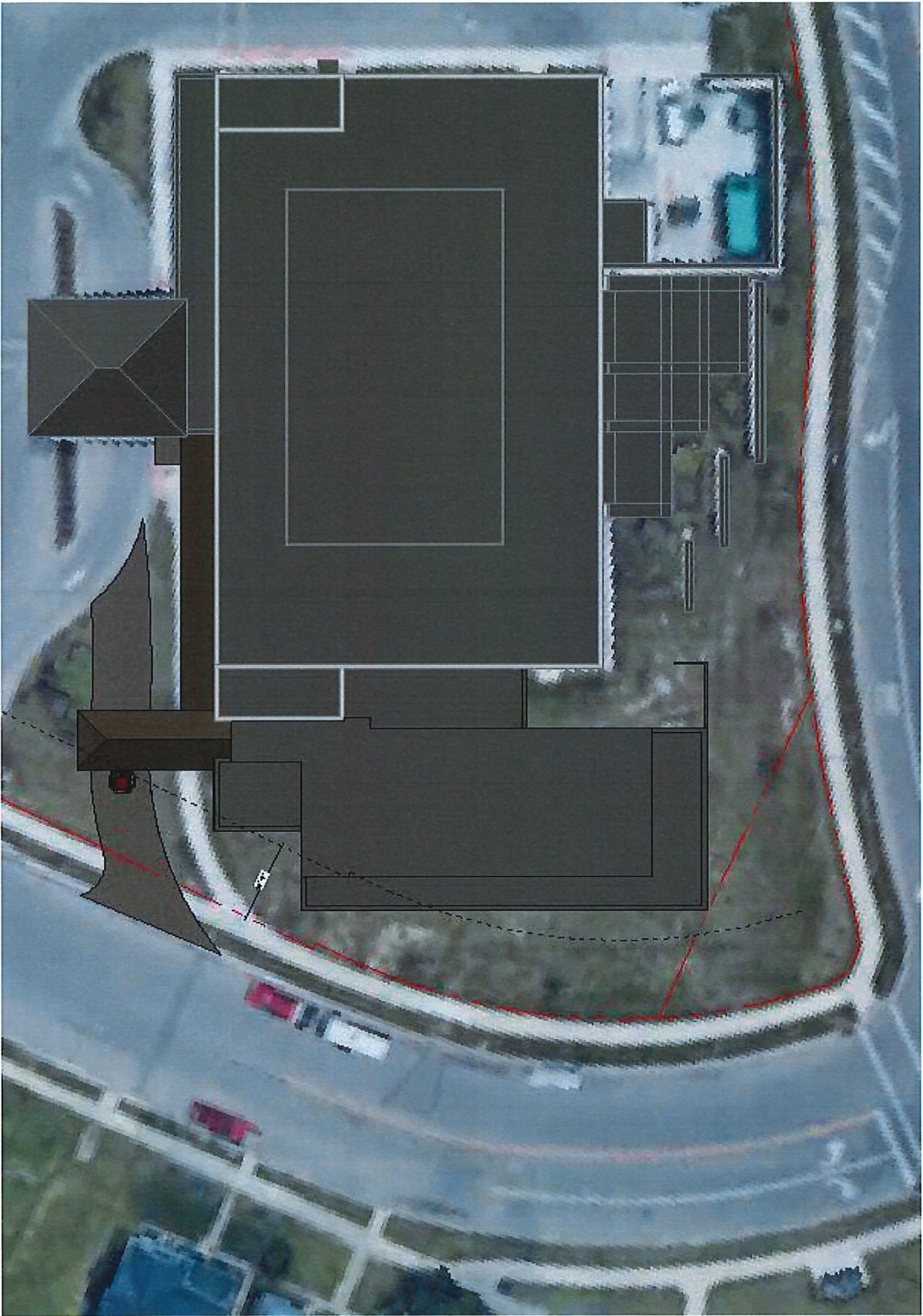
Nicole S Nickell  
My commission expires: 1/15/2024



BROWN GARY RAY	2472 LAGONDA AVE	SPRINGFIELD, OH 45503
BROWN GARY RAY	2472 LAGONDA AVE	SPRINGFIELD, OH 45503
BRUCE EMERSON & GLENNA	496 SHRINE RD	SPRINGFIELD, OH 45504
CEMETERY SPRINGFIELD ASSN	515 N FOUNTAIN AVE	SPRINGFIELD, OH 45504
COMMUNITY MERCY HEALTH PARTNERS	1701 MERCY HEALTH PL	CINCINNATI, OH 45237
DENNEY ARTHUR I & VENTAJ	517 GRANT ST	SPRINGFIELD, OH 45504
FENTON BRIAN M	421 N YELLOW SPRINGS ST	SPRINGFIELD, OH 45504
FIFE BONNIE BELL	417 NORTH YELLOW SPRINGS ST	SPRINGFIELD, OH 45504
HEARLIHY DANIEL ALBERT	810 RIVERSIDE DR	SPRINGFIELD, OH 45504
HOSIER MICHAEL E & LISA J	457 N YELLOW SPRINGS ST	SPRINGFIELD, OH 45504
LOWE NORMAN R & LADONNA K	660 ABERFELDA DR	SPRINGFIELD, OH 45504
MENTAL HEALTH SERVICES FOR CLARK AND	1345 N FOUNTAIN BLVD	SPRINGFIELD, OH 45504
SARVEN GEORGIANNA	32 SHADY LN	SPRINGFIELD, OH 45504
SPRINGFIELD CONSERVANCY DISTRICT THE	515 N FOUNTAIN AVE	SPRINGFIELD, OH 45504
STORER CHRISTIAN M	7202 KIRKDALE DR	BLACKICK, OH 43004
MENTAL HEALTH SERVICES FOR CLARK AND	474 N YELLOW SPRINGS ST	SPRINGFIELD, OH 45504







# **Agenda Item # 7**

**Case #21-A-22**

**Conditional Use**

## **STAFF REPORT**

TO: Board of Zoning Appeals

DATE: May 12, 2021

PREPARED BY: Stephen Thompson

SUBJECT: Case #21-A-22

### **GENERAL INFORMATION:**

Applicant: Fastsigns, 6212 Executive Blvd., Huber Heights, OH 45424

Owner: 633 Properties LLC, 633 N Limestone St., Springfield, OH 45503

Purpose: For a conditional use permit for a multi-color dynamic digital display sign

Location: 633 N Limestone Street

Size: 0.12 acre

Existing Land Use and Zoning: Retail, zoned CO-1

Surrounding Land Use and Zoning: North: Commercial, CO-1  
East: Commercial, CC-2  
South: Commercial, CO-1  
West: Residential, RS-8

Applicable Regulations: Chapter 1172.05 Board of Zoning Appeals: Conditional Uses  
Chapter 1155 Signs Permitted by District

File Date: April 23, 2021

### **BACKGROUND:**

The applicant seeks a conditional use permit to allow a multi-color dynamic digital display sign. The size of the digital portion will be 32 square feet on each side. It will be located in the same place as the existing sign.

### **ANALYSIS for Conditional Use:**

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and



shall find adequate evidence showing that the proposed conditional use at the proposed location:

- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

*Staff Comment: It would not.*

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

*Staff Comment: Yes.*

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

*Staff Comment: Yes.*

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

*Staff Comment: Yes.*

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

*Staff Comment: Yes.*

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

*Staff Comment: It will not.*

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

*Staff Comment: Yes, it does.*

**RETURNED REPORTS FROM STAFF:**

Service/Engineering Department:	Recommend approval
Building Inspections:	Recommend approval
Police Division:	Recommend approval
Fire Department:	Recommend approval
City Manager's Office:	Recommend approval

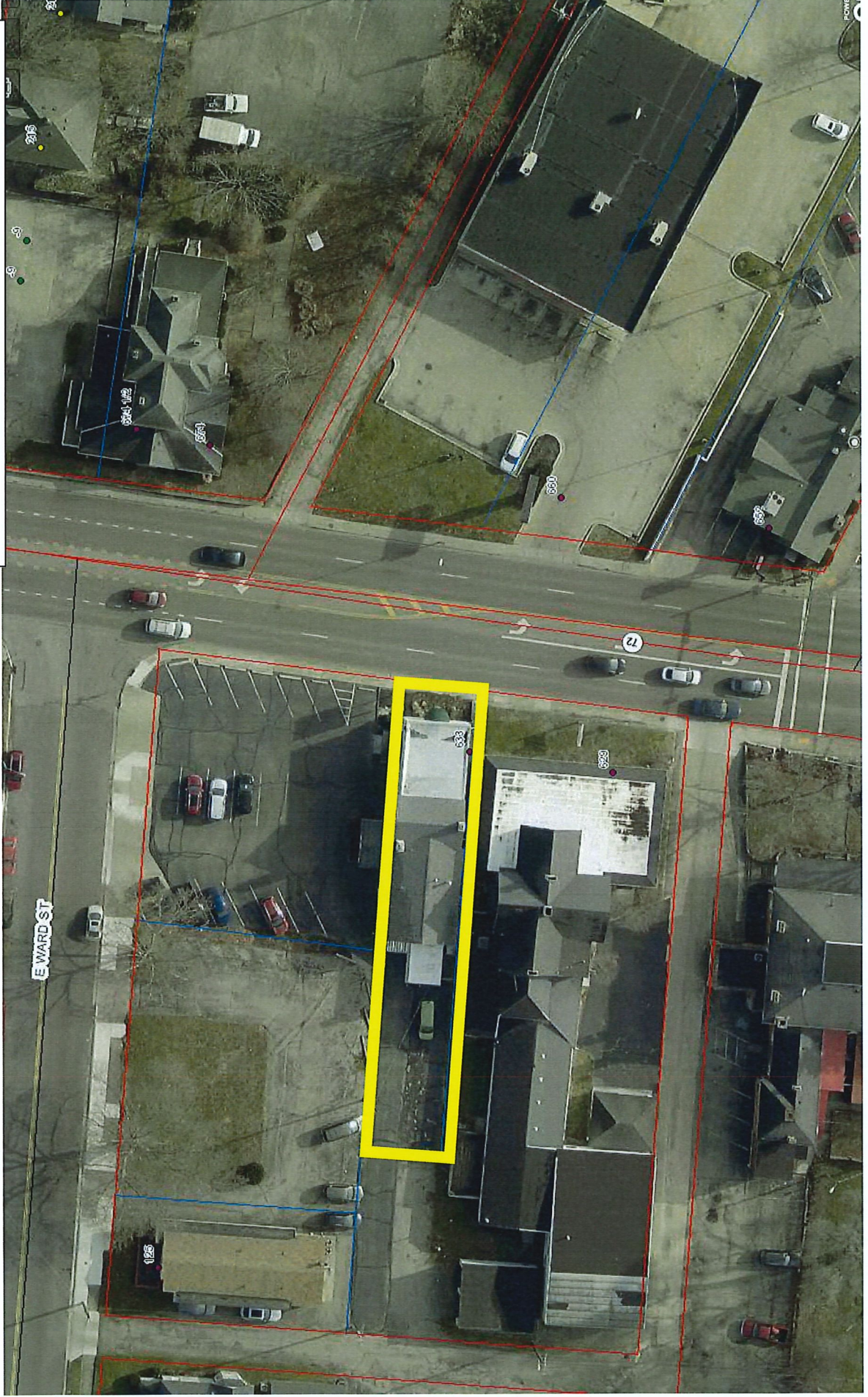
**STAFF RECOMMENDATION:**

Approval of the conditional use permit.

**ATTACHMENTS:**

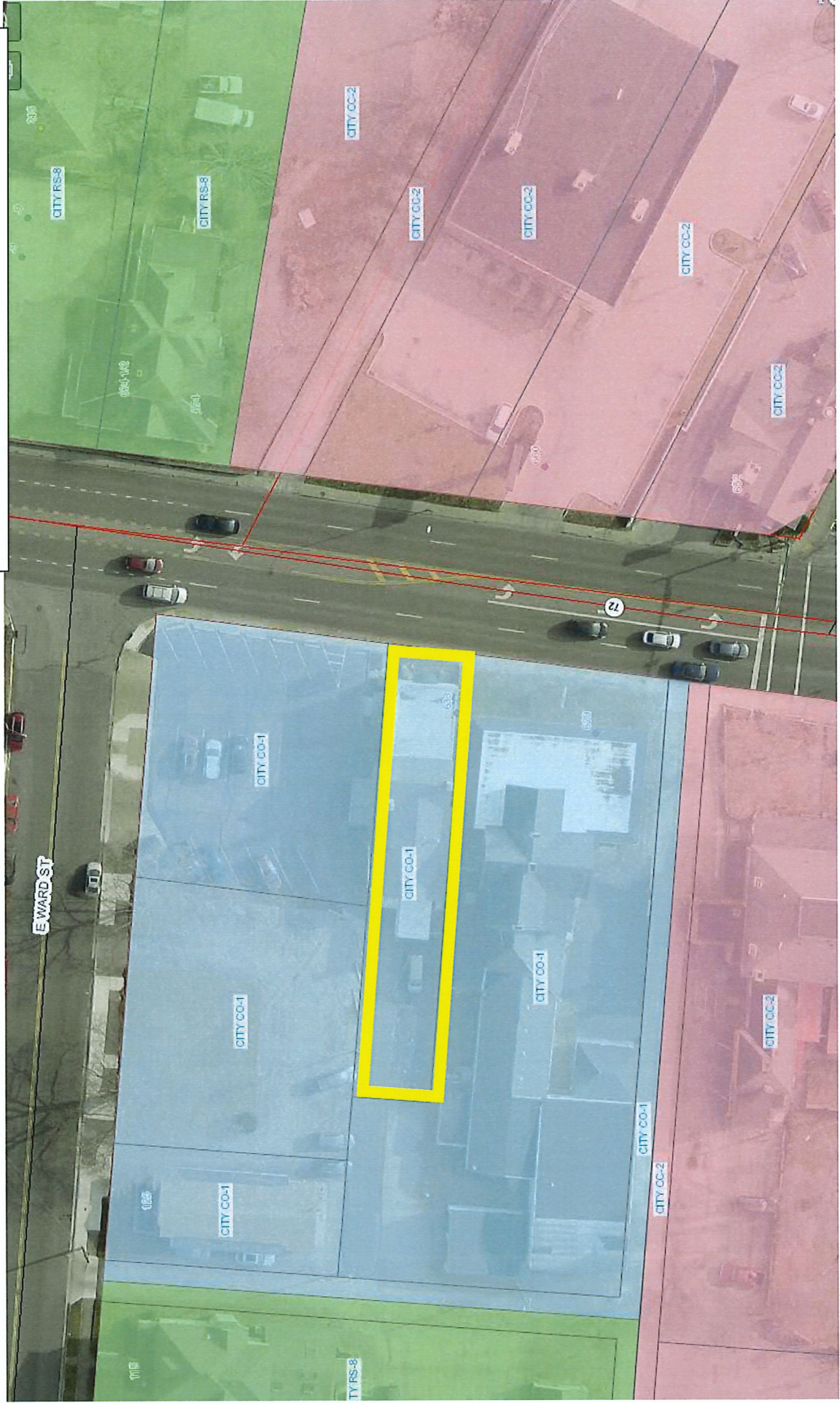
1. Vicinity and zoning map
2. Application

#21-A-22 & 23  
633 N Limestone St.



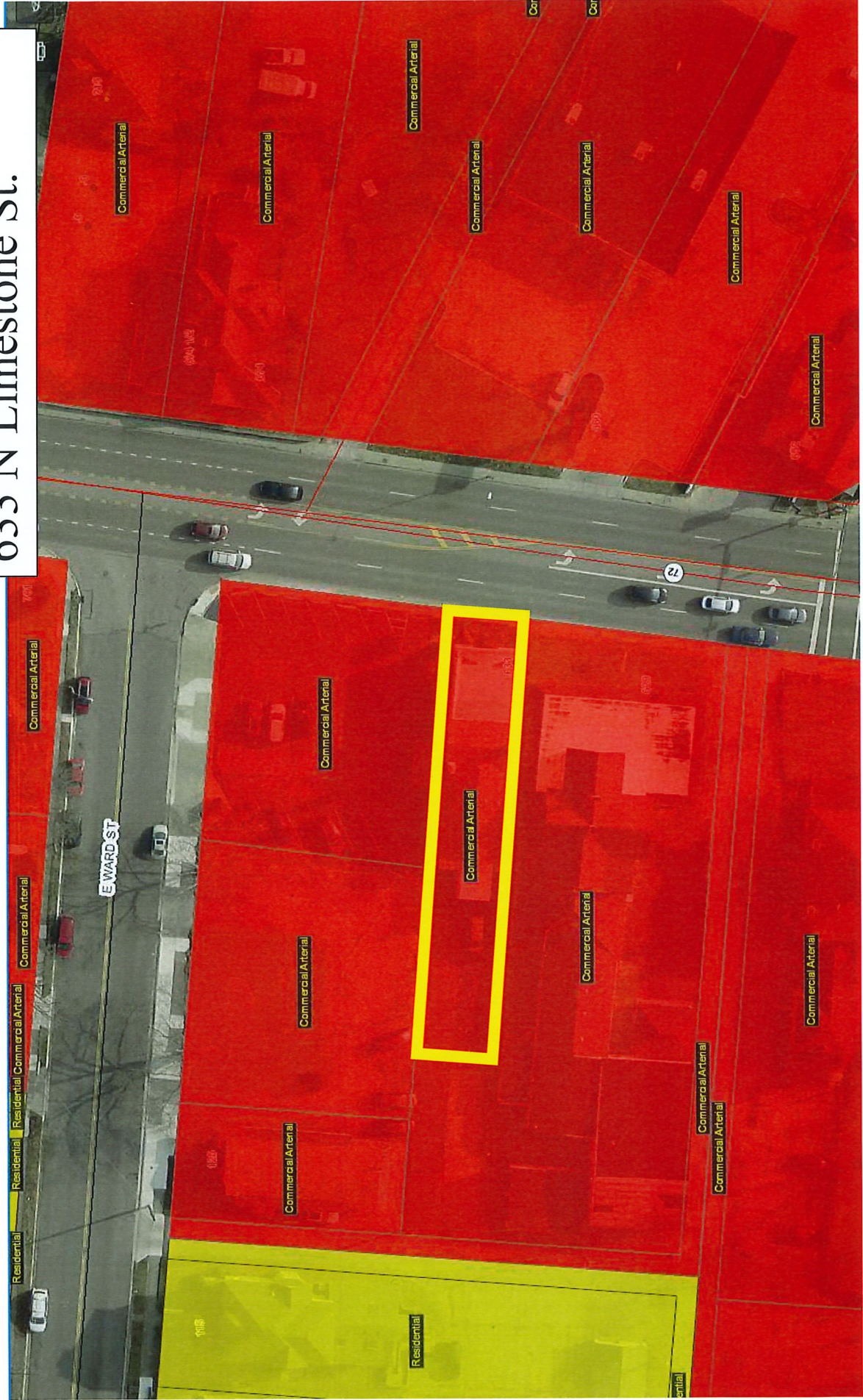


#21-A-22 & 23  
633 N Limestone St.





#21-A-22 & 23  
633 N Limestone St.









Existing Sign  
10' tall x 8' wide

96"



Each Panel is  
48x96

Each Panel is  
48x96

96"

17-1/2'

More than fast. More than signs.<sup>®</sup>

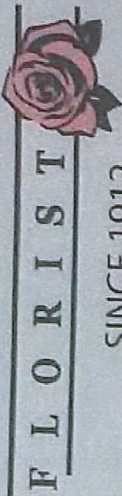
114"

Pole Schedule 40 - 9" D  
Installed 5' into ground  
rebar if necessary - fill  
with concrete - 40" dia

GRADE



SCHNEIDER'S



FLORIST

SINCE 1912

VISIT OUR  
WALK IN COOLER



*for Today's*

*Fresh Picks*

FRESHNESS GUARENTEED



21-A-22  
CITY OF SPRINGFIELD  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING & ZONING DIVISION

BOARD OF ZONING APPEALS APPLICATION

Date: 4/20/2021

Property address: 633 N Limestone St

Requested Action: ☒ Conditional Use  
☐ Interpretation of the Zoning Code or Map  
☐ Change of a Nonconforming Use  
☐ Other

Section of the Zoning code applicable: \_\_\_\_\_

Purpose of this request, including the improvements or physical changes proposed if this application is approved:

Florist wants a Digital Sign  
Under their MAIN ID Sign, New Single  
Pole, Size remains similar

Please include the following exhibits:

**Exhibit A**

A scale drawing with the dimensions of the property including existing and proposed buildings and their distances from lot lines, parking spaces, and adjoining streets and alleys. Please see example site plan. Additional copies may be required as needed.

Basis for the requested action: Substantiate the reasons why you feel the Board of Zoning Appeals should grant your request. Be specific. Use the space that follows (attach additional pages if necessary).

Multiple Digital Signs IN Area  
Safer way to Display Messages  
Very Clean Look  
Excellent Advertising For Business  
Great way to share information

City of Springfield ■ Community Development Department ■ Planning & Zoning Division

Signature: \_\_\_\_\_

*Paul Beisner*

Applicant

*4/20/2021*

Date

Please Print Name: \_\_\_\_\_

*PAUL Beisner*



Existing Sign  
10' tall x 8' wide

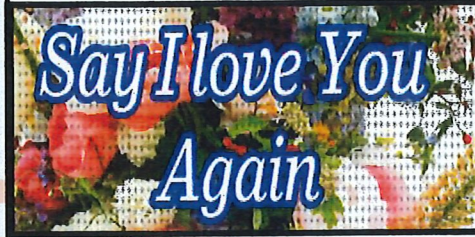
96"

SCHNEIDER'S  
FLORIST



Each Panel is  
48x96

96"



Each Panel is  
48x96

17-1/2'

EAST SIGNS<sup>®</sup>  
More than fast. More than signs.<sup>™</sup>

114"

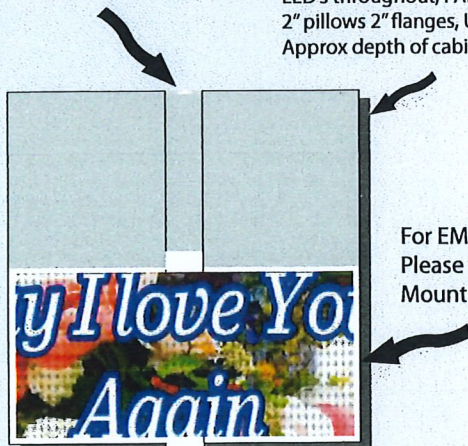
Pole Schedule 40 - 9" D  
Installed 5' into ground  
rebar if necessary-fill  
with concrete - 40" dia

GRADE

FOOTER - 40" Diameter and 60-" deep  
Rebar added if necessary

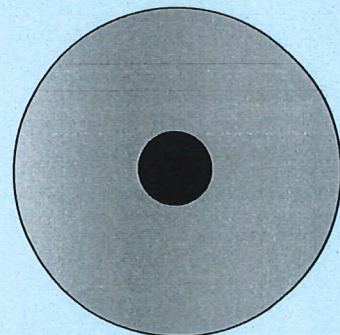
9" sleeve for pole  
Built into top ID cabinet  
Only. Pole will be welded  
on the inside base plate  
of cabinet. Top only  
Bottom secured with plates

Cabinet is extruded aluminum, painted black  
LED's throughout, PAN face custom formed  
2" pillows 2" flanges, UL listed, double faced  
Approx depth of cabinet would be 24" stand



For EMC mounting method  
Please Refer to Impact LED  
Mounting Style

Looking down





**SCHNEIDER'S**

**F L O R I S T**

SINCE 1912

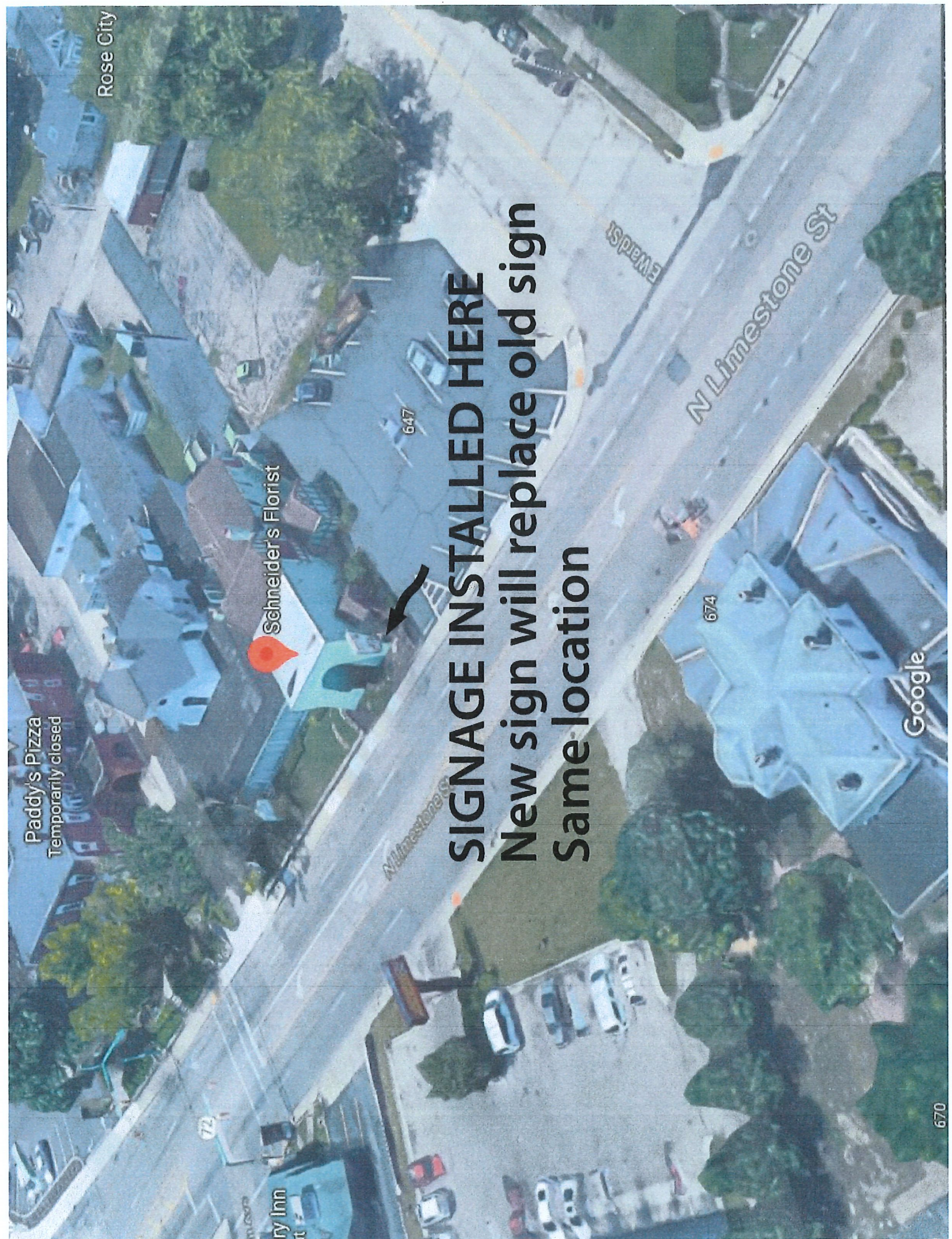


**VISIT OUR  
WALK IN COOLER**

*for Today's  
Fresh Picks*

**FRESHNESS GUARENTEED**





Rose City

Paddy's Pizza  
Temporarily closed

Schneider's Florist

647

**SIGNAGE INSTALLED HERE**  
New sign will replace old sign  
Same location

N Limestone St

674

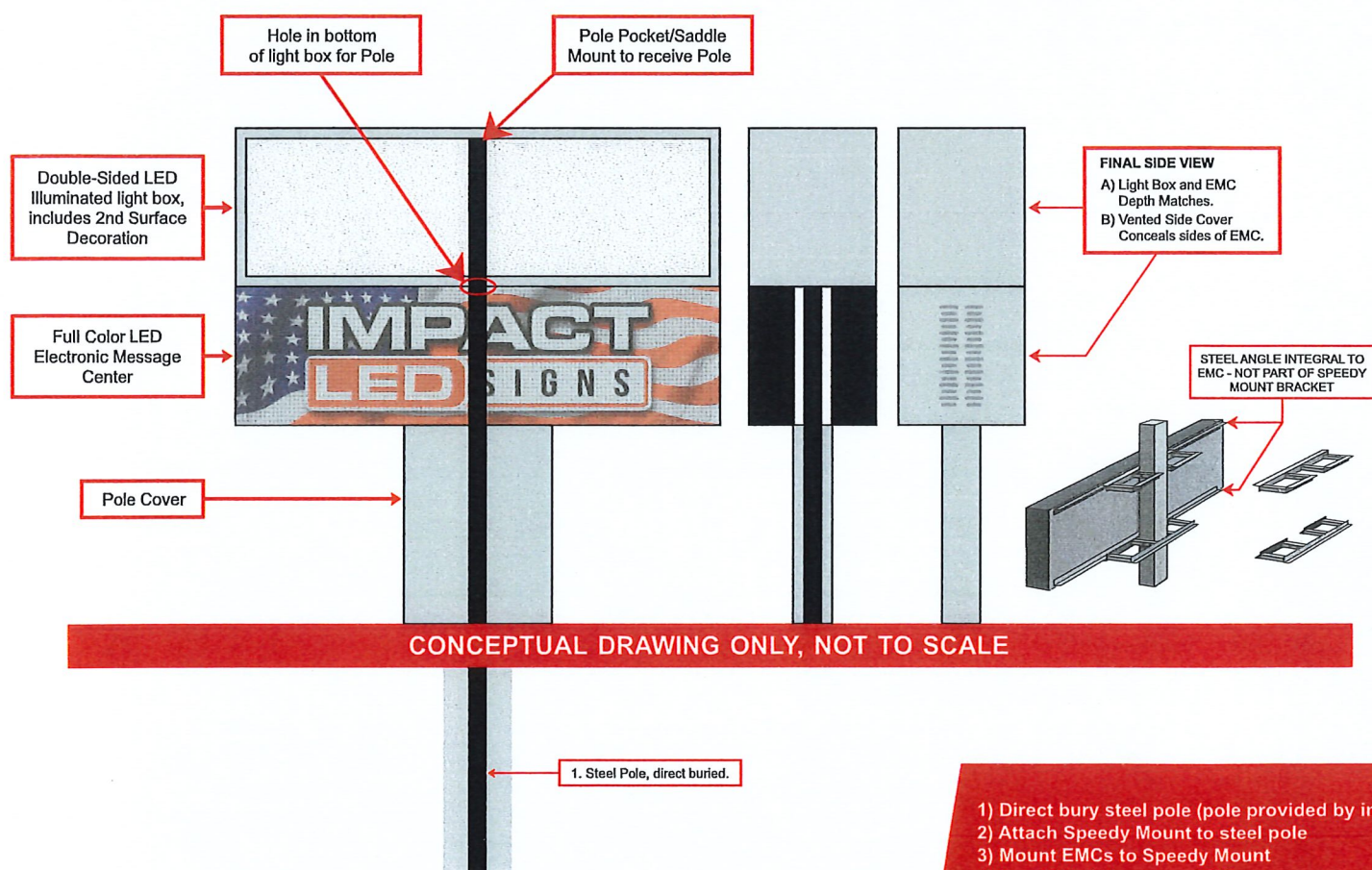
Google

670



## Mount Style: Installer Provided Single Pole/Direct Bury

**IMPACT**  
**LED SIGNS**



CONCEPTUAL DRAWING ONLY, NOT TO SCALE

- 1) Direct bury steel pole (pole provided by installer)
- 2) Attach Speedy Mount to steel pole
- 3) Mount EMCs to Speedy Mount
- 4) Install Light box atop EMC
- 5) Join end of EMCs with vented side covers
- 6) Install pole covers if applicable

Schneider's  
Florist

WE MAKE  
WEDDINGS  
SIMPLE!  
FLOWERS LINENS  
TUXEDOS & MORE

633 PROPERTIES LLC	PO BOX 2150	SPRINGFIELD, OH 45501
633 PROPERTIES LLC	PO BOX 2150	SPRINGFIELD, OH 45501
ARMSTRONG GARY A	109 E WARD ST	SPRINGFIELD, OH 45504
BOARD OF DIRECTORS OF WITTENBERG COLLEGE	PO BOX 720	SPRINGFIELD, OH 45501
EDS ACRES LLC	611 W HOME RD	SPRINGFIELD, OH 45504
GAIER SANDRA L	1920 SAINT PARIS PIKE	SPRINGFIELD, OH 45504
HERRERA OLIVIA OJEDA	PO BOX 154	SOUTH VIENNA, OH 45369
HOLDER ZACHARY D	5848 OLD CLIFTON RD	SPRINGFIELD, OH 45502
JOHNSTON PAUL E & KARI L	610 TANGLEWOOD DR	SPRINGFIELD, OH 45504
MABRA DARRYL L	125 E WARD ST	SPRINGFIELD, OH 45504
MAROUS MARY LYNN	1128 ELM STREET	SPRINGFIELD, OH 45503
NS RETAIL HOLDINGS LLC	5910 N CENTRAL EXPY STE 1600	DALLAS, TX 75206
O NEILL KEVIN & LINDA	819 LINMUTH CT S	SPRINGFIELD, OH 45503
OWENS DUSTIN & KATHY	511 E SPARROW RD	SPRINGFIELD, OH 45502
RIDGEWOOD GROUP LLC THE	2345 E HIGH ST	SPRINGFIELD, OH 45505
FASTSIGNS	6212 EXECUTIVE BLVD	HUBER HEIGHTS, OH 45424



# **Agenda Item # 8**

**Case #21-A-23**

**Variance**

## STAFF REPORT

TO: Board of Zoning Appeals

DATE: May 12, 2021

PREPARED BY: Stephen Thompson

SUBJECT: Case #21-A-23

### **GENERAL INFORMATION:**

Applicant: Fastsigns, 6212 Executive Blvd., Huber Heights, OH 45424

Owner: 633 Properties LLC, 633 N Limestone St., Springfield, OH 45503

Purpose: For a variance from Chapter 1155 to allow for a multi-color dynamic digital display sign in a CO-1 district

Location: 633 N Limestone Street

Size: 0.12 acre

Existing Land Use and Zoning: Retail, zoned CO-1

Surrounding Land Use and Zoning: North: Commercial, CO-1  
East: Commercial, CC-2  
South: Commercial, CO-1  
West: Residential, RS-8

Applicable Regulations: Chapter 1172.06 Variances  
Chapter 1155 Signs Permitted by District

File Date: April 27, 2021

### **BACKGROUND:**

The applicant seeks a variance to construct a multi-color dynamic digital display in a CO-1, Commercial Office District. Chapter 1155 states multi-color displays are permitted in the Commercial Arterial sign district, but not the CO-1 zoning district.

### **ANALYSIS for Variance:**

The Board may grant a variance only where there exists a “practical difficulty” as defined by the courts in Ohio in established case law. The Ohio Supreme Court’s decision in Kisil v. City of Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law governing variances by distinguishing between “use” and “area variances.” Area variances involve an exception from such requirements as yard, lot, and height standards. The Supreme

Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

*Staff Comment: Yes.*

2. Whether the variance is substantial;

*Staff Comment: Yes. Multi-color dynamic digital displays are not permitted in the Commercial Arterial sign district.*

3. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

*Staff Comment: No.*

4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);

*Staff Comment: No.*

5. Whether the property owner purchased the property with the knowledge of the zoning restrictions;

*Staff Comment: Yes.*

6. Whether the property owner's predicament can be obviated through some method other than a variance; or

*Staff Comment: No.*

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

*Staff Comment: Yes.*

#### **RETURNED REPORTS FROM STAFF:**

Service/Engineering Department: Recommend approval

Building Inspections: Recommend approval



Police Division: Recommend approval

Fire Department: Recommend approval

City Manager's Office: Recommend approval

**STAFF RECOMMENDATION:**

Approval of the variance.

**ATTACHMENTS:**

1. Vicinity and zoning map
2. Application



21-4-23  
21-47  
p  
pat-

CITY OF SPRINGFIELD  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING & ZONING DIVISION

BOARD OF ZONING APPEALS - VARIANCE APPLICATION

Date: 4/23/2021

Property address: 633 N Limestone St

Section of the Zoning code applicable: \_\_\_\_\_

Purpose of this request, including the improvements or physical changes proposed if this application is approved:

NEW BUSINESS SIGN W DIGITAL  
EMC BOARD, SINGLE POLE W/COVER, DOUBLE  
FACED TO REPLACE EXISTING SIGN

Please include the following exhibits:

**Exhibit A**

A scale drawing with the dimensions of the property including existing and proposed buildings and their distances from lot lines, parking spaces, and adjoining streets and alleys. Please see example site plan. Additional copies may be required as needed.

**Basis for the requested action:** Substantiate the reasons why you feel the Board of Zoning Appeals should grant your request. Be specific (attach additional pages if necessary).

ALREADY A FEW DIGITAL SIGNS IN  
AREA, EXCELLENT WAY TO  
ADVERTISE AND SHARE INFORMATION  
VERY CLEAN LOOK - MUCH SAFER WAY  
TO CHANGE MESSAGES, LONGEVITY  
A LOT OF SIGNS ARE MOVING TOWARD  
THE DIGITAL SPECS - VERY CONVENIENT

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

An appeal for a variance to the Zoning Code cannot be granted by the Board of Zoning Appeals unless the following factors are shown to exist. Therefore, for each factor explain in detail how each applies to your appeal: (Please write on additional sheets of paper if you need more space).

1. The property in question cannot yield a reasonable return and there can be no beneficial use of the property without the variance. The variance would relieve a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience to the appellant.

ADVERTISING, SPECIALS, Messages

2. The variance is not substantial, i.e. the modification in the requirement that is being requested is not a significant amount in comparison to the requirement.

3. The essential character of the neighborhood, i.e. adjacent properties, will not be substantially altered or suffer a substantial detriment as a result of the variance.

Correct

4. The variance will not adversely affect the delivery of governmental services such as water, sewer.

Correct

5. The property owner was not aware of the zoning restrictions when purchasing the property.

N/A



6. There is no other feasible method of solving the property owner's predicament.

Changeable Track 15' in the Air  
is a Dangerous way to Advertise

7. The spirit and intent behind the zoning requirement will be observed and substantial justice done by granting the variance.

Yes

**I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR KNOWLEDGE.**

[Signature]

Signature of Applicant

PAUL BEISNER

Typed or printed name and title of applicant

Signature of Co-applicant

Typed or printed name of co-applicant

State of Ohio

County of Montgomery

The foregoing instrument was acknowledged before me this 23rd day of

April, 2021

by Paul Beisner (name of person acknowledged).



**CRYSTAL SMITH**  
Notary Public - State of Ohio  
Commission Expires Jan 12, 2022

[Signature]  
Notary Public Signature

My commission expires: 01/12/22

# **Agenda Item # 9**

**Case #21-A-24**

**Conditional Use**

## **STAFF REPORT**

TO: Board of Zoning Appeals

DATE: May 12, 2021

PREPARED BY: Stephen Thompson

SUBJECT: Case #21-A-24

### **GENERAL INFORMATION:**

Applicant: Sandy Bise, 814 S High St., Yellow Springs, OH 45387

Owner: De Angelis Properties LLC, 2723 Rensselaer St.,  
Springfield, OH 45503

Purpose: For a conditional use permit for a commercial recreational  
use (martial arts studio)

Location: 105 N Thompson Avenue

Size: 0.9 acre

Existing Land Use and Zoning: Commercial, zoned CI-1

Surrounding Land Use and Zoning: North: Commercial, CI-1  
East: Commercial, CI-1  
South: Manufacturing, M-1  
West: Residential, CI-1

Applicable Regulations: Chapter 1172.05 Board of Zoning Appeals: Conditional  
Uses  
Chapter 1122.04 Conditional Uses

File Date: April 23, 2021

### **BACKGROUND:**

The applicant seeks a conditional use permit to relocate a martial arts studio. The studio is currently in the Upper Valley mall, which will be closing in June.

### **ANALYSIS for Conditional Use:**

In considering an application for a conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board shall review the facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that the proposed conditional use at the proposed location:



- (1) Would not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. The Board shall use and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision;

*Staff Comment: It would not.*

- (2) Is in fact a conditional use as established under the provisions of this Springfield Zoning Code as eligible to be permitted in the district involved;

*Staff Comment: Yes.*

- (3) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Springfield Zoning Code;

*Staff Comment: Yes.*

- (4) Will be designed, constructed, operated and maintained as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

*Staff Comment: Yes.*

- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;

*Staff Comment: Yes.*

- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

*Staff Comment: It will not.*

- (7) Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. Upon authorizing a conditional use, the Board shall impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Springfield Zoning Code for the particular conditional use, as the Board may deem necessary for the protection of adjacent properties and the public interest.

*Staff Comment: Yes, it does.*

**RETURNED REPORTS FROM STAFF:**

Service/Engineering Department:	Recommend approval
Building Inspections:	Recommend approval
Police Division:	Recommend approval
Fire Department:	Recommend approval
City Manager's Office:	Recommend approval

**STAFF RECOMMENDATION:**

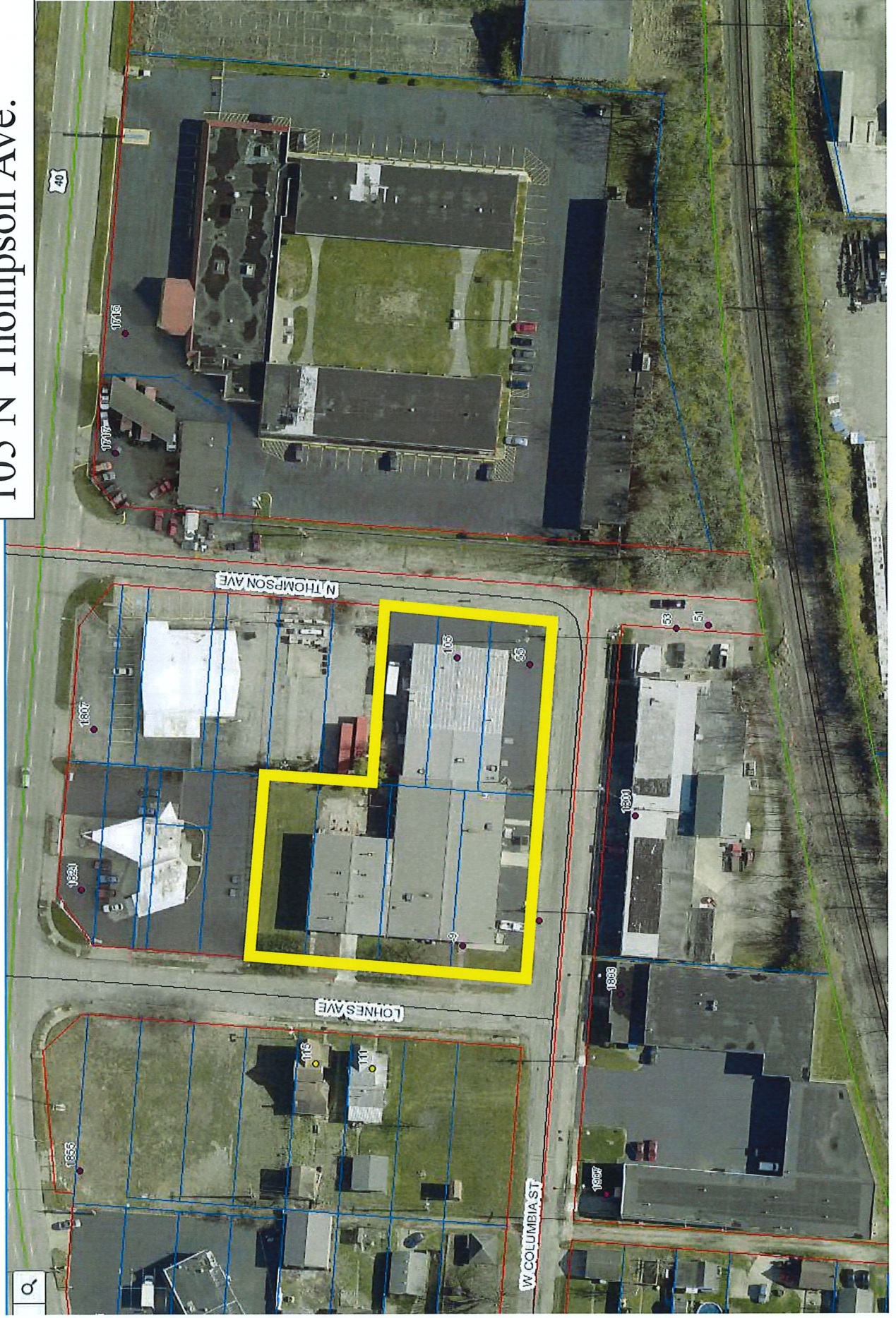
Approval of the conditional use permit.

**ATTACHMENTS:**

1. Vicinity and zoning map
2. Application



#21-A-24  
105 N Thompson Ave.





This aerial map displays a residential neighborhood with a yellow L-shaped boundary highlighting a specific lot. The highlighted lot is situated between N Thompson Ave and Lohness Ave, and between Columbia St and an unnamed street to the right. The lot is labeled 'CITY Q-1'. Surrounding lots are also labeled with codes such as 'CITY Q-1', 'CITY M-1', and 'CITY D-1'. Streets shown include N Thompson Ave, Lohness Ave, and Columbia St. A red line runs along the right side of the highlighted area.





# **Agenda Item # 10**

**Case #21-A-25**

**Variance**



## STAFF REPORT

TO: Board of Zoning Appeals

DATE: May 12, 2021

PREPARED BY: Stephen Thompson

SUBJECT: Case #21-A-25

### **GENERAL INFORMATION:**

Applicant: Greg Baca, 2230 Columbus Ave., Springfield, OH 45503

Owner: LD & Carol Hooten, 2229 Larch St., Springfield, OH 45503

Purpose: For a variance from Chapter 1101.03 to allow for a fence on a property without a principal structure

Location: 2201-2211 Larch Street

Size: 0.38 acre

Existing Land Use and Zoning: Undeveloped, zoned CI-1

Surrounding Land Use and Zoning: North: Residential, M-1  
East: Salvage Yard, CI-1  
South: Residential, RS-8  
West: Residential, RS-8

Applicable Regulations: Chapter 1172.06 Variances  
Chapter 1101.03 General

File Date: April 27, 2021

### **BACKGROUND:**

The applicant seeks a variance to construct a fence on a lot without a principal structure. The lot will be used to store vehicles and equipment.

### **ANALYSIS for Variance:**

The Board may grant a variance only where there exists a "practical difficulty" as defined by the courts in Ohio in established case law. The Ohio Supreme Court's decision in Kisil v. City of Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law governing variances by distinguishing between "use" and "area variances." Area variances involve an exception from such requirements as yard, lot, and height standards. The Supreme Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

***Staff Comment:*** Yes.

2. Whether the variance is substantial;

***Staff Comment:*** Yes. There are currently no structures on the lot and the applicant does not plan on building one.

3. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

***Staff Comment:*** No.

4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);

***Staff Comment:*** No.

5. Whether the property owner purchased the property with the knowledge of the zoning restrictions;

***Staff Comment:*** Yes.

6. Whether the property owner's predicament can be obviated through some method other than a variance; or

***Staff Comment:*** No.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

***Staff Comment:*** Yes.

#### **RETURNED REPORTS FROM STAFF:**

Service/Engineering Department: Recommend approval

Building Inspections: Recommend approval

Police Division: Recommend approval

Fire Department: Recommend approval

City Manager's Office: Recommend approval

**STAFF RECOMMENDATION:**

Approval of the variance.

**ATTACHMENTS:**

1. Vicinity and zoning map
2. Application



#21-A-25 & 26  
2201-2203 & 2209-2211  
Larch St.





#21-A-25 & 26  
2201-2203 & 2209-2211  
Larch St.









**FOR OFFICE USE ONLY**

Case #: 21-A-25 & 26  
Date Received: 4/26/21  
Received by: ST  
Application Fee: \$ 255  
Review Type:  
☐ Admin ☐ CPB ☒ BZA

**GENERAL APPLICATION****A. PROJECT**

1. Application Type & Project Description (*attach additional information, if necessary*):

Variance

2. Address of Subject Property: 2201 Larch St., Springfield, OH 45503

3. Parcel ID Number(s): 3400700023109001 ; 3400700023109002 ; 3400700023109003

4. Full legal description attached? ☐ yes ☐ no

5. Size of subject property: \_\_\_\_\_

6. Current Use of Property: Vacant L&T

7. Current Zoning of Property: Commercial

**B. APPLICANT**

1. Applicant's Status (*attach proof of ownership or agent authorization*) ☐ Owner

☒ Agent (*agent authorization required*) ☐ Tenant (*agent authorization required*)

2. Name of Applicant(s) or Contact Person(s): Greg Baca

Title: \_\_\_\_\_

Company (if applicable): \_\_\_\_\_

Mailing address: 2230 Columbus Ave

City: Springfield State: OH ZIP: 45503

Telephone: (937) 360 4107 Fax: ( ) \_\_\_\_\_

Email \_\_\_\_\_

3. If the applicant is agent for the property owner:

Name of Owner (title holder): LD Hootch

Mailing Address: \_\_\_\_\_

City: Springfield State: OH ZIP: 45503

**I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION  
CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR  
KNOWLEDGE.**

Gregory Buea  
Signature of Applicant

\_\_\_\_\_  
Signature of Co-applicant

Gregory Buea  
Typed or printed name and title of applicant

\_\_\_\_\_  
Typed or printed name of co-applicant

State of Ohio  
County of Clark

The foregoing instrument was acknowledged before me this 26th day of  
April, 2021

by GREG BUEA (name of person acknowledged).

(seal)



**MOLLY J. MCGINNIS THATCHER**  
Notary Public, State of Ohio  
My Commission Expires  
March 23, 2026

Molly McGinnis Thatcher

Notary Public Signature

My commission expires: \_\_\_\_\_





CITY OF SPRINGFIELD  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING & ZONING DIVISION

BOARD OF ZONING APPEALS - VARIANCE APPLICATION

Date: 4-26-2021

Property address: 2201 Larch

Section of the Zoning code applicable: 1157.04 - Construction requirements  
1101.03 - General effects of this Chapter

Purpose of this request, including the improvements or physical changes proposed if this application is approved:

To fence all 3 parcels and put down gravel  
to park equipment and vehicles in order to remove them  
from the street

Please include the following exhibits:

**Exhibit A**

A scale drawing with the dimensions of the property including existing and proposed buildings and their distances from lot lines, parking spaces, and adjoining streets and alleys. Please see example site plan. Additional copies may be required as needed.

**Basis for the requested action:** Substantiate the reasons why you feel the Board of Zoning Appeals should grant your request. Be specific (attach additional pages if necessary).

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An appeal for a variance to the Zoning Code cannot be granted by the Board of Zoning Appeals unless the following factors are shown to exist. Therefore, for each factor explain in detail how each applies to your appeal: (Please write on additional sheets of paper if you need more space).

1. The property in question cannot yield a reasonable return and there can be no beneficial use of the property without the variance. The variance would relieve a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience to the appellant.

The property Sale will not go through unless Variance is passed.

2. The variance is not substantial, i.e. the modification in the requirement that is being requested is not a significant amount in comparison to the requirement.

3. The essential character of the neighborhood, i.e. adjacent properties, will not be substantially altered or suffer a substantial detriment as a result of the variance.

Property Neighbors a Salvage yard

4. The variance will not adversely affect the delivery of governmental services such as water, sewer.

There will be No affect.

5. The property owner was not aware of the zoning restrictions when purchasing the property.

No. Purchaser is Buying to help the area.

6. There is no other feasible method of solving the property owner's predicament.

No

7. The spirit and intent behind the zoning requirement will be observed and substantial justice done by granting the variance.

Currently the vacant lots have people Driving wrecklessly, with approving the variance the owner can help put a stop the issues.

**I/WE CERTIFY AND ACKNOWLEDGE THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY/OUR KNOWLEDGE.**

*Greg Baca*  
Signature of Applicant

\_\_\_\_\_  
Signature of Co-applicant

Greg Baca  
Typed or printed name and title of applicant

\_\_\_\_\_  
Typed or printed name of co-applicant

State of Ohio  
County of Clark

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of April, 2021

by GREG BACA (name of person acknowledged).



**MOLLY J. MCGINNIS THATCHER**  
Notary Public, State of Ohio  
My Commission Expires  
March 23, 2028

*Molly J. McGinnis Thatcher*  
Notary Public Signature

My commission expires: \_\_\_\_\_





CITY OF SPRINGFIELD  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING & ZONING DIVISION

PROPERTY OWNER AFFIDAVIT (IF NECESSARY)

Address: 2201/2209/11 & 3rd parcel  
Parcel No.: 3460700023109001 : 3400700023109002 : 3400700023109003  
Acreage: Unknown  
Agent Name: Grey Bacc  
Agent Tax Mailing Address: 2230 Columbus Ave  
Springfield, OH 45503  
Agent Phone Number: \_\_\_\_\_  
Owner Name: Hooten  
Owner Tax Mailing Address: \_\_\_\_\_  
Owner Phone Number: \_\_\_\_\_  
Requested Action (to be conducted by Agent, authorized by owner): Variances for fence & gravel parking lot

I hereby certify that:

I am the property owner of record. I authorize the above listed agent to act on my behalf for the purposes of this application.

Property owner signature: L. David Hooten

Printed name: X L. D. H.

Date: 4-26-2021

State of Ohio CLATS  
County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this 26th day of April, 2021  
by L. David Hooten (name of person acknowledged).



MOLLY J. MCGINNIS THATCHER  
Notary Public, State of Ohio  
My Commission Expires  
March 23, 2026

[Signature]  
Notary Public Signature

My commission expires: \_\_\_\_\_



2214 LARCH STREET LLC	2214 LARCH ST	SPRINGFIELD, OH 45503
2214 LARCH STREET LLC	2214 LARCH ST	SPRINGFIELD, OH 45503
ANSLEY KATHY ANN	5585 OLD RT 70	SPRINGFIELD, OH 45502
BACA TERRI & GREGORIO	2279 COLUMBUS AVE	SPRINGFIELD, OH 45503
BLANTON THERESA F	2202 LARCH ST	SPRINGFIELD, OH 45503
BURNS JOHN W & BEVERLY	2208 MANHATTAN BLVD	SPRINGFIELD, OH 45504
DES COMBES JOHN RUSSELL	2218 COLUMBUS AVE	SPRINGFIELD, OH 45503
FROCK LANDON W	2164 COLUMBUS AVE	SPRINGFIELD, OH 45503
HAFILE DANIEL D	2375 UPPER VALLEY PK	SPRINGFIELD, OH 45502
HARMON ERIC & TAMMY	2204 COLUMBUS AVE	SPRINGFIELD, OH 45503
HOOTEN L DAVID & CAROL J	2229 LARCH ST	SPRINGFIELD, OH 45503
JOHNSON OPAL	2163 LARCH ST	SPRINGFIELD, OH 45503
MILLER CAITLYNE & JOHN DIFFENDAL	2210 LARCH ST	SPRINGFIELD, OH 45503
MORROW SHAWN	3918 N HECK HILL RD	SAINT PARIS, OH 43072
NOTT BAD INVESTMENTS LLC	PO BOX 247	TREMONT CITY, OH 45372
OHIO EDISON COMPANY	PO BOX 4747	OAK BROOK, IL 60522
WRIGHT DONALD E & STELLA J	2159 LARCH ST	SPRINGFIELD, OH 45503
ZETTEL ROBERT III	2172 COLUMBUS AVE	SPRINGFIELD, OH 45503

STEPHAN THOMPSON

PLANNING, ZONING, + CODE AD.

RE: CASE #21-A-25

PLEASE LET IT BE ON RECORD,  
THAT I, (THERESA BLANTON)  
STRONGLY OPPOSES THE  
PARCEL OF LAND (2201-2203+  
2009-2011, BEING SOLD TO GREG  
BACA, ON LARCH ST. AS I LIVE  
DIRECTLY ACROSS THE STREET  
FROM THIS LOT AND MR. BACA  
IS A KNOWN SALVAGER AND  
HOARDER ALREADY AT HIS  
ADDRESS ON COLUMBUS AVE.,  
AND HAS ALREADY HAD COMPLAINTS  
ON THAT PROPERTY. I ALREADY  
HAVE PALLET YARD ON ONE SIDE  
OF ME (BURNT DOWN, BUT NOT  
CLEANED UP YET, AND A NEIGH-  
BOR ON OTHER SIDE OF ME, THAT  
I HAVE TO REPORT JUNK AND  
BROKEN DOWN CARS ON THE REGULAR  
ITS BEEN SAID HE WANTS TO

1  
PARK CARS AND FENCE OFF  
THIS LOT, BUT I DONT BELIEVE,  
THIS IS THE CASE, I BELIEVE  
ITS MORE SPACE FOR TO HIM  
TO SPREAD OUT HIS HOARD  
(CLEAN UP HIS LIVABLE PROPERTY)  
AS HE IS GETTING COMPLAINTS  
ABOUT COUCHES AND MATTRESSES  
AND SUCH COMPLAINING AT THE  
COLUMBUS AVE ADDRESS.  
PLEASE GO BY HIS PROPERTY  
TO TAKE NOTICE OF THIS  
AND SPARE MORE OF US ON  
LARCH HAVING TO DEAL WITH  
IT.

THANK YOU FOR YOUR  
TIME, SINCERELY,

THERESA BLANTON  
2202 LARCH AVE  
RESIDENT HERE FOR 38 YRS.



# **Agenda Item # 11**

**Case #21-A-26**

**Variance**

## STAFF REPORT

TO: Board of Zoning Appeals

DATE: May 12, 2021

PREPARED BY: Stephen Thompson

SUBJECT: Case #21-A-26

### **GENERAL INFORMATION:**

Applicant: Greg Baca, 2230 Columbus Ave., Springfield, OH 45503

Owner: LD & Carol Hooten, 2229 Larch St., Springfield, OH 45503

Purpose: For a variance from Chapter 1153.04 to allow for a new gravel parking lot

Location: 2201-2211 Larch Street

Size: 0.38 acre

Existing Land Use and Zoning: Undeveloped, zoned CI-1

Surrounding Land Use and Zoning: North: Residential, M-1  
East: Salvage Yard, CI-1  
South: Residential, RS-8  
West: Residential, RS-8

Applicable Regulations: Chapter 1172.06 Variances  
Chapter 1153.04 Construction Requirements

File Date: April 27, 2021

### **BACKGROUND:**

The applicant seeks a variance to install a gravel parking lot to store vehicles and equipment. Chapter 1153 states parking areas shall be constructed with "Asphalt, Concrete, Brick/Block (Permeable) Pavers, Grass Pavers/Porous Pavement or Pervious Concrete."

### **ANALYSIS for Variance:**

The Board may grant a variance only where there exists a "practical difficulty" as defined by the courts in Ohio in established case law. The Ohio Supreme Court's decision in Kisil v. City of Sandusky, (1984) 12 Ohio State 3d 30, is a land mark decision in establishing common law governing variances by distinguishing between "use" and "area variances." Area variances involve an exception from such requirements as yard, lot, and height standards. The Supreme

Court established that a practical difficulty must exist before an area variance can be granted.

Then subsequent to this case, in Duncan v. Village of Middlefield, (1986) 23 Ohio 3d 83, the Ohio Supreme Court more fully explained the practical difficulty standards. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of his/her property include, but are not limited to:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

*Staff Comment: Yes. It can be constructed as prescribed by code.*

2. Whether the variance is substantial;

*Staff Comment: Yes. Gravel is not an appropriate parking surface.*

3. Whether the essential character of the neighborhood will be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

*Staff Comment: No. The salvage yard next to this parcel has a gravel parking area.*

4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer);

*Staff Comment: No.*

5. Whether the property owner purchased the property with the knowledge of the zoning restrictions;

*Staff Comment: Yes.*

6. Whether the property owner's predicament can be obviated through some method other than a variance; or

*Staff Comment: No.*

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

*Staff Comment: Yes.*

#### **RETURNED REPORTS FROM STAFF:**

Service/Engineering Department: Recommend approval

Building Inspections: Recommend approval



Police Division: Recommend approval

Fire Department: Recommend approval

City Manager's Office: Recommend approval

**STAFF RECOMMENDATION:**

Approval of the variance.

**ATTACHMENTS:**

1. Vicinity and zoning map
2. Application

**2021 BOARD OF ZONING APPEALS ATTENDANCE**

BOARD MEMBERS		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
		20	17	15	19	17	21	19	16	20	18	15	20
Dori Gaier Reso. 6048	5-11-2019 5-11-2012	P	P	P	A								
Denise Williams Reso. 6059	8-03-2019 8-03-2022	P	A	P	P								
Matthew Ryan Reso. 5839	7-28-2020 8-11-2023	P	A	A	P								
Mark Brown Reso. 5869	1-20-2018 3-13-2021	P	P	A	P								
James Burkhardt Reso. 5880	4-01-2018 3-31-2021	A	P	P	A								
Rhonda Zimmers Reso. 5914	1-5-2019 1-06-2022	P	P	P	P								
Charles Harris Reso. 6069	11-26-2019 3-26-2022	P	P	P	P								

NOTE: The first date shown is the original appointment/reappointment date. The second date represents the most recent term's expiration.  
The City Commission Resolution is also listed.



Planning & Zoning

CITY OF SPRINGFIELD  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING AND ZONING DIVISION

**City Planning Board**

**Regular Meeting - First Monday following the First Tuesday of the Month**  
**7:00 P.M. - City Forum, City Hall, 76 E. High St., Springfield, Ohio**

**City Planning Board**  
**Meeting Date:**

January 11, 2021  
February 8, 2021  
March 8, 2021  
April 12, 2021  
May 10, 2021  
June 7, 2021  
July 12, 2021  
August 9, 2021  
September 13, 2021  
October 11, 2021  
November 8, 2021  
December 13, 2021

**Lotsplit Variance,**  
**Rezoning, and Final**  
**Subdivision**  
**Application**  
**Deadline:**

December 21, 2020  
January 15, 2021  
February 12, 2021  
March 22, 2021  
April 19, 2021  
May 17, 2021  
June 21, 2021  
July 19, 2021  
August 23, 2021  
September 20, 2021  
October 18, 2021  
November 22, 2021

**Board of Zoning Appeals**

**Regular Meeting-Third Monday of the Month**  
**7:00 P.M.- City Forum, City Hall, 76 E. High St., Springfield, Ohio**

**Board of Zoning**

January 20, 2021 \*  
February 17, 2021 \*  
March 15, 2021  
April 19, 2021  
May 17, 2021  
June 21, 2021  
July 19, 2021  
August 16, 2021  
September 20, 2021  
October 18, 2021  
November 15, 2021  
December 20, 2021

**Application Deadline:**

December 28, 2020  
January 25, 2021  
February 22, 2021  
March 29, 2021  
April 26, 2021  
May 28, 2021  
June 28, 2021  
July 26, 2021  
August 30, 2021  
September 27, 2021  
October 25, 2021  
November 29, 2021

\* Denotes meeting day changed to Wednesday due to holiday.

Effective Date: December 2020

Prepared by the Planning and Zoning Division



# 2021 CITY COMMISSION CALENDAR

JANUARY 2021						
Su	M	Tu	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
MARCH 2021						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	Retreat		
MAY 2021						
Su	M	Tu	W	Th	F	Sa
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31				Election Day	
JULY 2021						
Su	M	Tu	W	Th	F	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31
SEPTEMBER 2021						
Su	M	Tu	W	Th	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		
NOVEMBER 2021						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	Budget Mtgs		Election Day	

FEBRUARY 2021						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						
APRIL 2021						
Su	M	Tu	W	Th	F	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	
JUNE 2021						
Su	M	Tu	W	Th	F	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			
AUGUST 2021						
Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				
OCTOBER 2021						
Su	M	Tu	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
DECEMBER 2021						
Su	M	Tu	W	Th	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	